

REFERENCE TITLE: real estate information technology fund

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2633

Introduced by
Representatives Gillette: Hendrix, Livingston

AN ACT

AMENDING SECTIONS 32-2103, 32-2107 AND 32-2132, ARIZONA REVISED STATUTES;
RELATING TO REAL ESTATE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-2103, Arizona Revised Statutes, is amended to
3 read:

4 32-2103. Deposit of monies collected; revision of fees

5 A. The department shall deposit, pursuant to sections 35-146 and
6 35-147, all monies collected under ~~the provisions of~~ this chapter in the
7 state general fund unless otherwise prescribed by law **AND EXCEPT AS**
8 **PROVIDED IN SUBSECTION B OF THIS SECTION.**

9 **B. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND**
10 **35-147, ALL MONIES COLLECTED UNDER SECTION 32-2132, SUBSECTION A,**
11 **PARAGRAPHS 3, 4, 7 AND 8 IN THE REAL ESTATE INFORMATION TECHNOLOGY FUND**
12 **ESTABLISHED BY SECTION 32-2107.**

13 ~~B.~~ **C. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION,** each
14 year the commissioner shall revise all fees collected under this chapter
15 within the limits prescribed by this chapter in such a manner that the
16 revenue derived from such fees equals at least ninety-five ~~per cent~~
17 **PERCENT** but not more than one hundred ten ~~per cent~~ **PERCENT** of the
18 anticipated appropriated budget for the department for the succeeding
19 fiscal year. If the revenue derived from the fees exceeds one hundred ten
20 ~~per cent~~ **PERCENT** of the anticipated appropriated budget for the department
21 for the succeeding fiscal year, the commissioner shall lower the fees in
22 the succeeding year in proportion to the excess.

23 **D. THE COLLECTED MONIES THAT ARE DESCRIBED IN SUBSECTION B OF THIS**
24 **SECTION MAY NOT BE INCLUDED IN THE REVENUE THAT IS DESCRIBED IN SUBSECTION**
25 **C OF THIS SECTION.**

26 Sec. 2. Section 32-2107, Arizona Revised Statutes, is amended to
27 read:

28 32-2107. Powers and duties of commissioner; compensation;
29 administration of department; seal; revolving
30 fund; technology fund

31 A. The commissioner shall have charge of the department with power
32 to administer it in accordance with ~~the provisions of~~ and to carry out the
33 purposes of this chapter. The commissioner shall adopt a seal ~~which shall~~
34 ~~bear~~ **THAT BEARS** the words "real estate commissioner, state of
35 Arizona", ~~which shall be~~ **AND THAT IS** used ~~for the authentication of~~ **TO**
36 **AUTHENTICATE** proceedings of the department and the official documents
37 thereof. The commissioner's principal office shall be at the state
38 capitol. The commissioner may have branch offices the commissioner deems
39 necessary in other cities.

40 B. The commissioner shall receive compensation as determined
41 pursuant to section 38-611.

42 C. The commissioner shall prepare and cause to be produced and
43 circulated among the licensees and the general public educational matter
44 the commissioner deems helpful and proper ~~for the guidance~~ **TO GUIDE** and

1 ~~assistance of~~ ASSIST both licensees and the public. The commissioner may
2 assess a fee for each of these educational products that does not exceed a
3 level reasonably estimated to be sufficient to recover production and
4 distribution costs.

5 D. In cooperation with industry educators, content experts and
6 other professionals, the commissioner may develop, sponsor or hold
7 educational seminars and workshops for the benefit of licensees.

8 E. ~~A~~ THE real estate department education revolving fund is
9 established consisting of monies received from the sale of educational
10 matter under subsection C of this section and grants of monies to be used
11 in the production of educational products. Monies in the fund shall be
12 used ~~for the printing of~~ TO PRINT a compilation of real estate laws and
13 rules and other educational publications and for other educational efforts
14 the commissioner deems helpful and proper ~~for the guidance~~ TO GUIDE and
15 ~~assistance of~~ ASSIST licensees and the public, including sponsoring and
16 holding educational seminars or workshops for educators and other
17 licensees. The STATE REAL ESTATE department shall establish the revolving
18 fund as a separate account. The STATE REAL ESTATE department shall make a
19 full accounting of its use to the department of administration annually or
20 as required by the department of administration. Expenditures from the
21 fund and reimbursement to the fund shall be as prescribed by rules of the
22 department of administration. Monies received in the real estate
23 department education revolving fund are not subject to reversion, except
24 that all monies in the fund ~~in excess of twenty-five thousand dollars~~ THAT
25 EXCEED \$25,000 at the end of the fiscal year revert to the state general
26 fund.

27 F. THE REAL ESTATE INFORMATION TECHNOLOGY FUND IS ESTABLISHED. THE
28 REAL ESTATE INFORMATION TECHNOLOGY FUND SHALL BE USED TO SUPPLEMENT THE
29 DEPARTMENT'S TECHNOLOGICAL UPGRADES AND UPDATES TO SOFTWARE AND EQUIPMENT,
30 TO CONTRACT WITH EXTERNAL VENDORS FOR TECHNOLOGICAL UPGRADES AND UPDATES
31 TO SOFTWARE AND EQUIPMENT AND TO SUPPORT SOFTWARE SUBSCRIPTIONS. THE FUND
32 MAY NOT BE USED TO SUPPLANT THE SALARIES OF DEPARTMENT STAFF. MONIES IN
33 THE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS
34 OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

35 ~~F~~ G. The commissioner shall adopt rules, in ~~accord~~ ACCORDANCE
36 with this chapter, as the commissioner deems necessary to carry out this
37 chapter.

38 ~~G~~ H. The commissioner may approve standardized legal forms for
39 use in the sale or lease of real estate for the purpose of recognizing
40 compliance of the forms with this chapter and the rules adopted pursuant
41 to this chapter.

1 Sec. 3. Section 32-2132, Arizona Revised Statutes, is amended to
2 read:

3 32-2132. Fees

4 A. Except as provided in subsection D of this section, the
5 following fees shall be charged and shall not be refunded by the
6 commissioner after issuance of a receipt for payment:

- 7 1. A broker's examination application fee of not more than \$125.
- 8 2. A broker's examination fee of not more than \$100.
- 9 3. A broker's license fee of not more than: ~~\$250~~
 - 10 (a) THROUGH FISCAL YEAR 2027-2028, \$25.
 - 11 (b) BEGINNING IN FISCAL YEAR 2028-2029, \$15.
- 12 4. A broker's renewal fee of not more than: ~~\$400~~
 - 13 (a) THROUGH FISCAL YEAR 2027-2028, \$25.
 - 14 (b) BEGINNING IN FISCAL YEAR 2028-2029, \$15.
- 15 5. A salesperson's examination application fee of not more
16 than \$75.
- 17 6. A salesperson's examination fee of not more than \$50.
- 18 7. A salesperson's license fee of not more than: ~~\$125~~
 - 19 (a) THROUGH FISCAL YEAR 2027-2028, \$25.
 - 20 (b) BEGINNING IN FISCAL YEAR 2028-2029, \$15.
- 21 8. A salesperson's renewal fee of not more than: ~~\$200~~
 - 22 (a) THROUGH FISCAL YEAR 2027-2028, \$25.
 - 23 (b) BEGINNING IN FISCAL YEAR 2028-2029, \$15.
- 24 9. A branch office broker's license fee or renewal fee of not more
25 than \$200.
- 26 10. A fee for a change of name and address of licensee on records of
27 the department of not more than \$20.
- 28 11. A duplicate license fee of \$5.
- 29 12. A fee for reinstatement of license within the license period
30 of \$5.
- 31 13. A fee for each certificate of correctness of copy of records or
32 documents on file with the department of \$1, plus the cost to the
33 department for reproducing the records or documents.
- 34 14. A temporary broker's license fee of not more than \$50.
- 35 15. A temporary cemetery salesperson's license fee of not more
36 than \$50.
- 37 16. A membership camping salesperson certificate of convenience fee
38 of not more than \$50.
- 39 17. Fees in an amount to be determined by the commissioner by rule
40 for the following:
 - 41 (a) A certificate of approval or renewal to operate a school.
 - 42 (b) An instructor or other school official approval or renewal fee.
 - 43 (c) A continuing education live classroom course approval or
44 renewal fee.

1 (d) A prelicensure education live classroom course or prelicensure
2 online course approval or renewal fee. The prelicensure course fee
3 imposed by this subdivision shall be the same and the renewal course fee
4 imposed by this subdivision shall be the same regardless of the
5 instructional format a person uses to complete a prelicensure education
6 course or instructional segment or a renewal education course or
7 instructional segment.

8 (e) A continuing education distance learning course approval or
9 renewal fee.

10 B. A corporation, partnership or limited liability company shall
11 not be assessed a fee for the issuance of a broker's license.

12 C. The commissioner may contract for the processing of applications
13 and the examination of applicants for licensure. The contract may provide
14 for specific fees or a reasonable range for fees as determined by the
15 commissioner for examination applications and examinations to be paid
16 directly to the contractor by the applicant. These fees may not exceed
17 the amounts prescribed in subsection A, paragraphs 1, 2, 5 and 6 of this
18 section.

19 D. For good cause shown the commissioner may refund fees previously
20 collected.