

"REAL ESTATE SALESPERSON" MEANS AN INDIVIDUAL WHO, WHILE AFFILIATED WITH AND ACTING ON BEHALF OF A REAL ESTATE BROKER, PROVIDES REAL ESTATE BROKERAGE SERVICES.

SUBCOMMITTEE COMMENT: This subsection is new language derived without substantive change from former Art. 56, § 212(b).

The gender neutral term real estate "salesperson" is substituted, as a defined term, for the former term real estate "salesman". This new term is consistent with current usage in the industry.

The term "individual" is substituted for the former term "person", for clarity. Only an individual may qualify to be a real estate salesperson. The term "person" is defined under this article to include other entities.

The former specific reference to an "independent contractor" is deleted as unnecessary in light of the use of the broad phrase "while ... acting on behalf of a real estate broker".

Defined terms: "Affiliate" § 4-101  
 "Provide real estate brokerage services" § 4-101  
 "Real estate broker" § 4-101

#### 4-102. SCOPE OF TITLE.

THIS TITLE DOES NOT APPLY TO:

- (1) A PERSON WHILE ACTING UNDER A JUDGMENT OR ORDER OF A COURT;
- (2) A PUBLIC OFFICER WHILE PERFORMING THE DUTIES OF OFFICE;
- (3) A PERSON WHILE ENGAGING IN A SINGLE TRANSACTION THAT INVOLVES THE SALE OR LEASE OF ANY REAL ESTATE UNDER A POWER OF ATTORNEY EXECUTED BY THE OWNER OF THE REAL ESTATE;
- (4) A LICENSED AUCTIONEER WHILE SELLING ANY REAL ESTATE AT PUBLIC AUCTION;
- (5) AN OWNER OR LESSOR OF ANY REAL ESTATE WHILE MANAGING, LEASING, OR SELLING THE REAL ESTATE, UNLESS THE PRIMARY BUSINESS OF THE OWNER OR LESSOR IS PROVIDING REAL ESTATE BROKERAGE SERVICES; OR
- (6) A PERSON WHILE ACTING IN THE CAPACITY OF: