

REAL ESTATE BROKER, AND EACH REAL ESTATE SALESPERSON A FEE IN AN AMOUNT THAT WILL RETURN THE GUARANTY FUND TO A LEVEL OF AT LEAST \$250,000.

SUBCOMMITTEE COMMENT: This section is new language derived without substantive change from former Art. 56, § 217A(f) and the second sentence of (b).

In this section, the references to an "associate real estate broker" are added in conformity with provisions added throughout this title to provide a licensing scheme for associate real estate brokers. See the General Subcommittee Comment to this title.

In subsection (a)(2) of this section, new language is added to clarify that an individual only pays the fee to the Guaranty Fund once, even if the individual obtains more than one type of license. This conforms to the practice of the Commission.

Defined terms: "Associate real estate broker" § 4-101
"Commission" § 4-101 "Guaranty Fund" § 4-101
"License" § 4-101 "Real estate broker" § 4-101
"Real estate salesperson" § 4-101

4-404. CLAIMS AGAINST FUND.

(A) CLAIMS AGAINST FUND.

(1) SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, A PERSON MAY RECOVER COMPENSATION FROM THE GUARANTY FUND FOR AN ACTUAL LOSS.

(2) A CLAIM SHALL:

(I) BE BASED ON AN ACT OR OMISSION THAT OCCURS IN THE PROVISION OF REAL ESTATE BROKERAGE SERVICES BY:

- 1. A LICENSED REAL ESTATE BROKER;
- 2. A LICENSED ASSOCIATE REAL ESTATE BROKER;
- 3. A LICENSED REAL ESTATE SALESPERSON; OR
- 4. AN UNLICENSED EMPLOYEE OF A LICENSED REAL ESTATE BROKER;

(II) INVOLVE A TRANSACTION THAT RELATES TO REAL ESTATE THAT IS LOCATED IN THE STATE; AND

(III) BE BASED ON AN ACT OR OMISSION: