

BUSINESS FROM LAWYERS BY A MASS SOLICITATION THAT OFFERS TO PAY FEES OR COMMISSIONS TO THE LAWYERS.

(B) LICENSEES EXEMPTED.

SUBSECTION (A)(1) OF THIS SECTION DOES NOT APPLY TO PAYMENTS OR OFFERS OF PAYMENTS TO LAWYERS WHO HOLD A REAL ESTATE BROKER LICENSE UNDER THIS TITLE OR ARE OTHERWISE ENTITLED TO A COMMISSION.

(C) SCOPE OF PROHIBITIONS.

OTHER THAN THE COMMISSIONS EXPRESSLY PROHIBITED, SUBSECTION (A) OF THIS SECTION DOES NOT PROHIBIT THE PAYMENT OR THE OFFER OF A PAYMENT OF A COMMISSION BY A REAL ESTATE BROKER, AN ASSOCIATE REAL ESTATE BROKER, OR A REAL ESTATE SALESPERSON TO A LAWYER FOR ANY SERVICE THAT RELATES TO A REAL ESTATE TRANSACTION.

SUBCOMMITTEE COMMENT: This section is new language derived without substantive change from former Art. 56, § 227(a)(2).

Throughout 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.

Also throughout this section, the references to a "lawyer" are substituted for the former references to an "attorney", to conform to terminology that is intended to be used in Title 10, "Lawyers", of the proposed Business Occupations Article.

Also throughout this section, the former references to an attorney "as defined in § 212(f)(6) of this article" are deleted as unnecessary and misleading. The referenced provision did not actually define the word "attorney", but rather set out an exception to a statement that certain acts were considered the acts of a real estate broker or real estate salesperson. The effect of former Art. 56, § 212(f)(6) was to allow a lawyer to provide real estate brokerage services under certain limited circumstances without requiring the lawyer to hold a license issued under this title. The language of former Art. 56, § 227(a)(2) made it appear that the prohibitions set forth under subsection (a) of this section applied only to a lawyer who might be providing services under the § 212(f)(6) exception. It is clear, however, that the prohibition under subsection (a) of this section was intended to apply to payments to any lawyer who did not hold a real estate broker license, regardless of