

HARMONIZING AND IMPLEMENTATION OF SB 164 (2024) STATE BUDGET
FEE ADJUSTMENTS FOR THE DEPARTMENT OF REAL ESTATE

PROPOSED REGULATION TEXT

TITLE 10, CHAPTER 6

AMENDING SECTIONS 2716.1, 2790.1.5, 2790.6, 2793, 2799.2, 2810.5, 2847, 2915,
3002, AND 3009; AND ADOPTING SECTIONS 2790.1.7, 2851.5, AND 2931

2716.1. License Fees.

(a) This subdivision establishes license fees for real estate licenses and real estate examinations.

(1) The license fee for the real estate broker license under Section 10210 of the Code shall be ~~\$300.~~ \$450.

(2) The license fee for the real estate salesperson license under Section 10215 of the Code shall be ~~\$245.~~ \$350.

~~(3) The salesperson license fee, under Section 10215 of the Code, for an applicant qualifying pursuant to Section 10153.4 of the Code who has not satisfied all of the educational requirements prior to issuance of the license, shall be \$275.~~

~~(4)~~ (3) The late license renewal fee under Section 10201 of the Code shall be ~~\$450~~ \$675 for a real estate broker or restricted real estate broker license and ~~\$367~~ \$525 for a real estate salesperson or restricted real estate salesperson license.

~~(5)~~ (4) The license fee for the restricted real estate broker license under Section 10209.5 of the Code shall be ~~\$300.~~ \$450.

~~(6)~~ (5) The license fee for the restricted real estate salesperson license under Section 10214.5 of the Code shall be ~~\$245.~~ \$350.

~~(7)~~ (6) The fees for all licenses or examinations, except those specified in this regulation or as otherwise specifically provided for in the regulations, shall be as follows: broker examination or reexamination: ~~\$95;~~ \$150; first reschedule of broker examination: ~~\$20;~~ \$45; subsequent reschedules of broker examination: ~~\$30;~~ \$45; salesperson examination or reexamination: ~~\$60;~~ \$100; first reschedule of salesperson examination: ~~\$15;~~ \$40; subsequent reschedules of salesperson examination: ~~\$30.~~ \$40.

(b) The fee for any person to request a license history from the department, with certification by the department's custodian of records, shall be \$50 for each history requested.

NOTE: Authority cited: Sections 10080 and 10226, Business and Professions Code.
Reference: Sections 10153.4, 10201, 10209.5, 10210, 10214.5 and 10215, Business and Professions Code.

§ 2790.1.5. Filing Fees.

(a) The subdivision filing fees for an application for a public report shall be the following:

(1) A notice of intention without a completed questionnaire: ~~One hundred fifty dollars (\$150).~~ \$300.

(2) An original public report for subdivision interests described in Section 11004.5: ~~One thousand seven hundred dollars (\$1,700).~~ \$3,000 plus ~~ten dollars (\$10).~~ \$15 for each subdivision interest to be offered.

(3) An original public report for subdivision interests other than those described in Section 11004.5: ~~Six hundred dollars (\$600).~~ \$1,500 plus ~~ten dollars (\$10).~~ \$15 for each subdivision interest to be offered.

(4) A conditional public report for subdivision interests described in Section 11004.5: ~~Five hundred dollars (\$500).~~ \$1,000.

(5) A conditional public report for subdivision interests other than those described in Section 11004.5: ~~Five hundred dollars (\$500).~~ \$1,000.

(6) A preliminary public report for subdivision interests described in Section 11004.5: ~~Five hundred dollars (\$500).~~ \$500.

(7) A preliminary public report for subdivision interests other than those described in Section 11004.5: ~~Five hundred dollars (\$500).~~ \$500.

(8) A renewal public report for subdivision interests described in Section 11004.5: ~~Six hundred dollars (\$600).~~ \$1,500.

(9) A renewal public report for subdivision interests other than those described in Section 11004.5: ~~Six hundred dollars (\$600).~~ \$1,000.

(10) A renewal of a preliminary public report for subdivision interests other than those described in Section 11004.5: \$600.

(11) A renewal of a preliminary public report for subdivision interests described in Section 11004.5: \$600.

~~(10)~~ (12) An amended public report for subdivision interests described in Section 11004.5: Five hundred dollars (\$500) \$1,500 plus ten dollars (\$10) \$15 for each subdivision interest to be offered under the amended public report for which a fee has not previously been paid.

~~(11)~~ (13) An amended public report to offer subdivision interests other than those described in Section 11004.5: Five hundred dollars (\$500) \$1,000 plus ten dollars (\$10) \$15 for each subdivision interest to be offered under the amended public report for which a fee has not previously been paid.

(14) An amended preliminary public report for subdivision interests described in Section 11004.5 and for interests other than those described in Section 11004.5: \$500 plus \$15 for each subdivision interest to be offered.

(15) An amended conditional public report for subdivision interests described in Section 11004.5 and for interests other than those described in Section 11004.5: \$1,000 plus \$15 for each subdivision interest to be offered.

~~(b) The maximum fee under Section 11011(b)(2) and (b)(10) shall be \$7,600 regardless of the number of interests authorized to be offered for sale or lease.~~

~~(c) The maximum fee under Section 11011(b)(3) and (b)(11) shall be \$4,100 regardless of the number of interests authorized to be offered for sale or lease.~~

~~(d)-(b)~~ The filing fee for an amended public report where the amendment consists only of a recurring and non-substantive change including, but not limited to a change in the name of the subdivider shall be ~~\$125~~ \$300 and the filing fee for each additional amended public report consisting only of the same recurring and non-substantive change including, but not limited to a change in the name of the subdivider submitted by that subdivider at the same time shall be ~~\$60~~ \$100. The subsection does not apply where there is a change in the ownership of the subdivision along with a change in the name of the subdivider.

NOTE: Authority cited: Sections 11001 and 11011, Business and Professions Code. Reference: Sections 11004.5, 11010 and 11018.5, Business and Professions Code.

§ 2790.1.7. Filing Fees for Out-of-State Land Promotions.

(a) The filing fees in connection with applications to the Department pursuant to Article 8 of Chapter 3 of Part 1 of the Real Estate Law, relating to registration of out-of-state land promotions, shall be the following:

(1) \$100 for an original registration.

(2) \$100 for a renewal registration.

(3) \$100 for an amended registration.

NOTE: Authority cited: Sections 10080 and 10249.3, Business and Professions Code. Reference: Section 10249.3, Business and Professions Code.

§ 2790.6. Separate Review of Declarations.

The filing fee to review a declaration as described in Section 11010.10 of the Code shall be ~~the maximum fee set forth in Section 11011 of the Code.~~ \$500.

NOTE: Authority cited: Sections 11001 and 11011, Business and Professions Code. Reference: Section 11010.10, Business and Professions Code.

§ 2793. Applications for Consent Under Section 11018.7.

(a) Application for consent of the Real Estate Commissioner under Section 11018.7 of the Business and Professions Code shall be made on a form provided by the ~~Bureau.~~ Department.

(b) The application shall consist of at least the following:

(1) A statement signed by or on behalf of the applicant containing the following:

(A) A narrative explanation of the proposed change and the anticipated effects thereof.

(B) The reasons why the amendment is being proposed.

(C) The means whereby persons eligible to vote on the proposed change will be informed concerning the substance of the change, and the voting procedure to be employed if the consent of the commissioner is obtained.

(D) Identification of the subdivisions which will be affected by the proposed change by reference to the file numbers of the public reports for the subdivisions.

(2) A copy of the instrument to be amended in its present form.

(3) A copy of the instrument incorporating the changes proposed in the application with suitable marking to indicate proposed amendments.

(4) A copy of the resolution or other authority for submission of the application if made on behalf of a corporation or association.

(5) A copy of the letter or notice to be given to all persons eligible to vote on the proposed change.

(6) An application fee of ~~twenty dollars (\$20.00)~~ \$50 in the form of a check or money order.

(c) If the commissioner finds that the proposed change will not materially change the rights of any owner to ownership, possession or use of interests in the subdivision, the commissioner shall consent to the submission of the proposed change to a vote of the owners or members. If the commissioner finds that the proposed change will materially change such rights, the commissioner shall require, as a condition of the commissioner's consent, that a notice approved by the commissioner describing the substance of the proposed change be given to those persons eligible to vote at least fifteen days prior to the vote.

(d) If the commissioner determines that the change as proposed would create a new condition or circumstance that would be the basis for denial of a public report under Section 11018 or 11018.5, the commissioner shall issue a formal order denying consent to the submission of the proposal to persons eligible to vote thereon.

(e) If an applicant fails to take the steps necessary to obtaining the consent of the commissioner within ninety days after the application is filed, the commissioner may deem the application to be abandoned in which case a new application must be filed if the application is to be thereafter pursued.

NOTE: Authority cited: Sections 10080 and 11001, Business and Professions Code.
Reference: Section 11018.7, Business and Professions Code.

§ 2799.2. Advertising Review Fee.

A submission of each advertisement to the ~~Bureau~~ Department for approval pursuant to Section 11022 of the Code shall be accompanied by a fee of ~~seventy-five dollars (\$75).~~ \$200.

NOTE: Authority cited: Sections 11001 and 11022, Business and Professions Code.
Reference: Section 11022, Business and Professions Code.

§ 2810.5. Filing Fees.

(a) The filing fees in connection with applications to the ~~Bureau~~ Department pursuant to Article 2 of Chapter 2 of Part 2 of the Real Estate Law shall be the following:

(1) ~~One thousand seven hundred dollars (\$1,700)~~ \$2,500 plus ~~ten dollars (\$10)~~ \$15 for each time-share interest to be offered for an original public report application.

(2) ~~Six hundred dollars (\$600)~~ \$1,500 plus ~~ten dollars (\$10)~~ \$15 for each time-share interest to be offered that was not permitted to be offered under the public report to be renewed for a renewal public report application.

(3) ~~Five hundred dollars (\$500)~~ \$1,500 plus ~~ten dollars (\$10)~~ \$15 for each time-share interest to be offered under the amended public report for which a fee has not previously been paid for an amended public report application.

(4) ~~Five hundred dollars (\$500)~~ \$1,000 for a conditional public report application.

(5) ~~Five hundred dollars (\$500)~~ \$500 for a preliminary public report application.

~~(b) The maximum fee for an original, renewal or amended public report shall not exceed \$7,500 regardless of the number of interests authorized to be offered for sale or lease.~~

~~(c)~~ (b) The filing fee for an amended public report where the amendment consists only of a recurring and non-substantive change including, but not limited to, a change in the name of the developer, shall be \$125 and the filing fee for each additional amended public report consisting only of the same recurring and non-substantive change including, but not limited to, a change in the name of the developer, submitted by that developer at the same time, shall be \$60. This subsection does not apply where there is a change in the ownership of the time-share property along with a change in the name of the developer.

NOTE: Authority cited: Section 11281, Business and Professions Code. Reference: Section 11232, Business and Professions Code.

§ 2847. Voluntary Submission of Proposed Advertising.

(a) A real estate broker may submit for the ~~Bureau's~~ Department's approval advertising proposed to be used in connection with the performance of acts for which a real estate license is required pursuant to Section 10131.1 or subdivision (d) or (e) of Section 10131 of the Code.

(b) Proposed advertising copy shall be submitted to the Sacramento office of the ~~Bureau.~~ Department. Written or graphic advertising shall be submitted in the format in which it will be displayed to the public. A written script shall be submitted for radio or television advertisements. A submission of advertisement to the ~~Bureau~~ Department shall be accompanied by ~~the maximum fee set forth in Section 10232.1 of the Code.~~ a fee of \$100.

NOTE: Authority cited: Sections 10080 and 10232.1, Business and Professions Code. Reference: Section 10232.1, Business and Professions Code.

§ 2851.5. License Fees.

(a) The license fee for prepaid rental listing service license under Section 10167.3 of the Code shall be \$175.

(b) The license fee for each additional location of a prepaid rental listing service under Section 10167.3 of the Code shall be \$90.

NOTE: Authority cited: Sections 10080 and 10167.3, Business and Professions Code. Reference: Section 10167.3, Business and Professions Code.

§ 2931. Fees for Reinstatement Qualifying Examination.

(a) The fee for administration of a broker's reinstatement qualifying examination required pursuant to an Order by the Commissioner shall be \$150.

(b) The fee for administration of a salesperson's reinstatement qualifying examination required pursuant to an Order by the Commissioner shall be \$100.

NOTE: Authority cited: Section 10080, Business and Professions Code. Reference: Section 10182, Business and Professions Code.

§ 3002. Application and Fee.

(a) A person or entity making application for approval by the commissioner of an equivalent course of study within the meaning of Sections 10153.2, 10153.4 or 10153.5 of the Code shall ~~make application on a form prescribed by the Department and shall include therein such relevant information as the commissioner may require. The application shall be accompanied by the appropriate fee as provided in subdivision (c) hereof and include~~ submit an application that includes at least the following:

(1) The name, address and telephone number of the applicant.

(2) Summary of the course including:

(A) Type of course (resident lecture or correspondence/independent study).

(B) Course title.

(C) Complete course outline or syllabus with time schedule indicating total number of hours for course.

(D) Textbook(s) and student materials prescribed.

(E) Evidence of Private Vocational School approval or registration by the Bureau for Private Postsecondary Education of the California Department of Consumer Affairs if the sponsor is not otherwise exempt from the requirement for such approval or registration or by the appropriate approval authority of the state in which the school is located shall be included with the course application.

(b) Any material change to an approved equivalent course of study shall be submitted by the person or entity that intends to offer the materially changed course to the Department for approval prior to use.

A material change for purposes of this section is a deviation from an equivalent course of study approved by the Department, including a change in curriculum, course length, workbooks, texts or syllabi, or changes reflecting the revised education requirements of Business and Professions Code 10153.2, but not including any other changes designed exclusively to reflect recent changes in statutes, regulations or decisional law.

(c) ~~The fees-fee for applications-an application~~ for approval of an equivalent courses-course of study under Sections 10153.2, 10153.3 and 10153.4 of the Code and for material changes to previously approved courses shall be ~~the fees prescribed in Section 10209 of the Code.~~ \$500. An applicant must submit the fee with their application.

NOTE: Authority cited: Section 10080, Business and Professions Code. Reference: Sections 10151, 10153.2, 10153.3, 10153.4, 10153.5 and 10209, Business and Professions Code.

§ 3009. Fees.

(a) Approval by the ~~Bureau-Department~~ of a continuing education offering shall be for a term of two years from the date of approval or from a date specified by the ~~Bureau-Department~~ in granting the approval. The fee for processing the

application for approval of an offering of three or more hours duration shall be ~~\$500.~~ \$750 for three hour courses and an additional \$100 for each additional hour of instruction. The fee for processing the application for approval of an offering of less than three hours duration shall be ~~\$350.~~ \$500.

(b) The fee for processing a petition for continuing education credit based upon a claim of equivalency by the petitioner pursuant to subdivision (c) of Section 10170.4 of the Code shall be ~~\$60.~~ \$130 per item.

NOTE: Authority cited: Sections 10080 and 10170.4, Business and Professions Code. Reference: Sections 10170.4 and 10170.5, Business and Professions Code.