SPONSOR: Rep. Bush & Rep. Dorsey Walker & Sen. McBride
Reps. Brady, Briggs King, Collins, Griffith, K. Johnson, Minor-Brown, Osienski, Ramone, Shupe, Spiegelman

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 235
AS AMENDED BY
HOUSE AMENDMENT NO. 3

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO REAL ESTATE SERVICES, BROKERS, ASSOCIATE BROKERS, AND SALESPERSONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Chapter 29, Title 24 of the Delaware Code by making deletions as shown by the insertions as shown by underline as follows:

§ 2939. Limitations on Local Business Licensing Requirements, Fees and Taxes.

(a) A county, municipality, or other political subdivision of the State shall not impose local business licensing requirements, fees, or taxes upon real estate brokers, associate brokers, brokerage organizations, or real estate salespersons for any of the following activities in that jurisdiction:

(1) Listing real estate for sale.

(2) Representing buyers in the purchase of real estate.

(3) Rental of real estate for property owners or tenants unless the property is in a City with a population over 50,000.

(b) This section does not prohibit a jurisdiction from charging a real estate broker, associate broker, brokerage organization, or real estate salesperson with a physical office in that jurisdiction for a business license, fees, or taxes on the same basis as other businesses with offices in that jurisdiction.

(c) This section does not prohibit a jurisdiction from charging a wage tax under that jurisdictions' ordinances on the same basis as other wages earned in that jurisdiction.

Section 2. This Act takes effect on July 1, 2020.

Section 3. If any provision of this Act or the application of this Act to any person or circumstance is held invalid, the provisions of this Act are severable if the invalidity does not effects the other provisions of this Act that can be given effect without the invalid provision or the application of this Act that can be given effect without the invalid application.