

P.L. 2021, CHAPTER 486, *approved January 18, 2022*
Assembly, No. 6206 (*First Reprint*)

1 AN ACT concerning real estate broker-salespersons and
2 salespersons, and amending ¹the effective date of¹ P.L.2018,
3 c.71.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 ¹**[**1. Section 3 of P.L.2018, c.71 (C.45:15-3.2) is amended to
9 read as follows:

10 3. a. No broker-salesperson or salesperson shall commence
11 business activity for a broker and no broker shall authorize a
12 broker-salesperson or salesperson to act on the broker's behalf until
13 a written agreement, as provided in this subsection, has been signed
14 by the broker and broker-salesperson or salesperson. Prior to an
15 individual's commencement of business activity as a broker-
16 salesperson or salesperson under the authority of a broker, the
17 broker and broker-salesperson or salesperson shall both sign a
18 written agreement which recites the terms under which the services
19 of the broker-salesperson or salesperson have been retained by the
20 broker.

21 b. Notwithstanding any provision of R.S.45:15-1 et seq. or any
22 other law, rule, or regulation to the contrary, a business affiliation
23 between a broker and a broker-salesperson or salesperson may be
24 that of an employment relationship or the provision of services by
25 an independent contractor. The nature of the business affiliation
26 shall be defined in the written agreement required pursuant to
27 subsection a. of this section.

28 If a current or previously written agreement exists or existed
29 between the broker and the broker-salesperson or salesperson that
30 defines, sets forth, identifies, or provides that the broker-
31 salesperson or salesperson is or at any time has been an independent
32 contractor of the broker, the broker-salesperson or salesperson shall
33 be deemed to be or have been an independent contractor during the
34 period in which the agreement is or was effective and shall not be
35 classified as an employee for any purpose under any law, rule, or
36 regulation for that period of time, except that the broker-salesperson
37 or salesperson shall satisfy the test set forth in R.S.43:21-
38 19(i)(7)(K) in order to be deemed an independent contractor under
39 R.S.43:21-1 et seq. The broker-salesperson or salesperson shall not

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly amendments adopted in accordance with Governor's
recommendations January 10, 2022.

1 be required to satisfy any other test for any other law, rule, or
2 regulation, including, but not limited to, the tests set forth at or
3 applied to P.L.1965, c.173 (C.34:11-4.1 et seq.) and P.L.1966,
4 c.113 (C.34:11-56a et seq.) to be deemed an independent contractor
5 as provided in this section for purposes of any other law, rule or
6 regulation.

7 (cf: P.L.2018, c.71, s.3)]¹

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9 ¹1. Section 29 of P.L.2018, c.71 is amended to read as follows:

10 29. Section 3 of this act shall take effect immediately and **[the]**
11 shall apply retroactively to enforce but not change any written
12 agreement between a broker-salesperson or salesperson and a
13 broker where the written agreement defines, sets forth, identifies or
14 provides that the broker-salesperson or salesperson is or was an
15 independent contractor. The remainder of this act shall take effect
16 on January 1, 2018, except the New Jersey Real Estate Commission
17 may take any anticipatory administrative action in advance as shall
18 be necessary for the implementation of this act.¹

19 (cf: P.L.2018, c.71, s.29)

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21 2. This act shall take effect immediately and shall ¹**[apply]**
22 retroactively to enforce but not change any written agreement
23 between a broker-salesperson or salesperson and a broker where the
24 written agreement defines, sets forth, identifies or provides that the
25 broker-salesperson or salesperson is or was an independent
26 contractor.**]** be retroactive to August 10, 2018.¹

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31 Codifies right of real estate broker-salespersons and salespersons
32 to define relationship with broker as one between broker and
33 independent contractor or employee and enforces current and
34 previous written agreements addressing relationship.