

Licensing Requirements and Maintenance - By Jurisdiction

Executive Summary

LICENSING REQUIREMENTS AND MAINTENANCE

ANNUAL REPORT EXECUTIVE SUMMARY

November 2019

[Licensing Requirements and Maintenance – 2019 Short Answer Table](#)

Overview

Each of the 51 domestic jurisdictions surveyed has an extensive legislative and regulatory system addressing real estate licensing; the three surveyed territories also address licensing, but to a less extensive extent in readily available resources. The state legislatures have been modifying their real estate licensing laws frequently. All domestic jurisdictions have amended or enacted their licensing laws since 2000, except Massachusetts, which made significant changes before 1999.

In the past year, the Illinois licensing agency amended many of its real estate regulations and added others, and Colorado's agency revised/renumbered all of its statutes. Ohio also significantly amended its regulations.

Continuing Education Approval

A vast majority of the jurisdictions (96 percent) require approval of a continuing education course, provider or instructor. Only one jurisdiction does not require continuing education courses for license renewal. Fifty-one of the surveyed jurisdictions permit or will permit distance-learning courses under at least some circumstances.

The states that require continuing education generally have extensive statutory and regulatory schemes that address many areas, including provider applications, advertising, student record retention, certificates of completion, content restrictions and specific instructor qualifications. Although most jurisdictions address all of these issues, the specific requirements vary significantly from state to state. For example, 85 percent of the surveyed jurisdictions require or will require the provider to maintain specific student records. However, the number of years that those states must maintain the records varies significantly. Three states have no specific requirements that providers retain records, but require that student records be transmitted directly to the licensing authority. Similarly, although fifty-one jurisdictions either require or will require certain qualifications for instructors, those criteria range from very vague general statements regarding experience or competency, such as in Maryland and Missouri, to extensive point systems, such as in Alabama and New York.

In the past year, Texas amended the requirements for CE instructor approval and Louisiana enacted exemptions from exceptions to its continuing education course approval requirements. Effective July 2019, the Montana Board no longer approves CE providers, courses, or instructors: approval by outside agencies is sufficient.

Continuing Education Requirements

All jurisdictions surveyed, except the Virgin Islands, presently require continuing education courses for licensing renewal. The requirements vary significantly, both in required or permitted course content, the licensing term and the number of required credits per year. Ninety percent of the surveyed jurisdictions require a specific core or other required courses, at least for the first license renewal. At least twenty-five states explicitly do not accept courses that do not directly apply to real estate, such as self-improvement, general marketing or general office skills courses. At least nineteen states set general standards that also appear to exclude such courses.

Ninety-two percent of the jurisdictions with continuing education requirements provide continuing education exemptions for certain licensees. Many jurisdictions require or permit an exemption to or modification of requirements for licensees who are serving or have served in the military.

In the period since November 2018, the following significant changes occurred:

- effective August 9, 2019, the CE required to renew an Illinois residential leasing agent's license each two-year renewal period increased from six to eight hours;

- Kentucky will move from an annual to biennial renewal system effective January 1, 2020;
- New Jersey now requires at least one hour of fair housing and housing discrimination education for both prelicense and CE courses;
- New York amended its required CE courses effective July 1, 2021;
- Nevada increased required CE hours to 36 per renewal cycle and added a partial CE exemption for licensees who are sixty-five or older with thirty years of licensure;
- Ohio made numerous changes to its CE requirements; and
- Vermont eliminated its "extreme hardship" exemption from CE requirements.

Licensing Categories and Exemptions

The three basic licensing categories are broker, salesperson and associate broker. Of the surveyed jurisdictions, all have a broker category, 85 percent currently have a salesperson or similar category, and 35 percent have an associate-broker or similar category with separate qualifications for licensing. All jurisdictions exempt some professionals from their licensing requirements, and several of those exemptions are very common. For example, all jurisdictions but Hawaii explicitly exempt attorneys at law acting in their professional capacity, and all jurisdictions but New York, Virgin Islands and Wisconsin explicitly exempt owners or lessors acting with regard to their own property under specified circumstances.

New Jersey legislation in 2018 replaced the "referral agent" license classification with "salesperson licensed with a real estate referral company" and changed related licensing requirements and other related provisions.

In 2019, Illinois replaced the "leasing agent" classification with "residential leasing agent," and Alabama expanded its licensing exemption for persons who solicit or accept reservations for occupancies of thirty-one days or less. Kansas eliminated its salesperson temporary licensing scheme.

Licensing Prerequisites

All surveyed jurisdictions impose prerequisites on real estate licensees. To obtain a broker's or an associate broker's license, an applicant must meet specific educational requirements in all jurisdictions, must attend additional post-licensing education courses in some jurisdictions, and must meet specific service requirements in 93 percent of the surveyed jurisdictions. A salesperson's license applicant must meet certain educational requirements in all jurisdictions that currently issue salesperson's licenses and must meet specified post-licensing educational requirements in at least 33 percent of those jurisdictions. No jurisdictions impose service requirements on a salesperson's licensee, although some, such as Oklahoma, require the licensee to obtain a provisional license until he or she has completed the state's post-licensing educational requirements.

Several jurisdictions have strengthened their investigation provisions. All but Vermont now require or permit some type of investigation related to an applicant's character, criminal background or financial status. Many states explicitly require (or permit the state's commission to require) some or all applicants to submit fingerprints.

In the period since November 2018, the following significant changes related to licensing requirements were made:

- Delaware enacted a provision prohibiting local governments from imposing local business licensing requirements and fees on real estate licensees;
- effective January 1, 2020, Hawaii will require that salesperson or broker applicants have a high school diploma or its equivalent;

- effective August 9, 2019, Illinois lowered the minimum age for a broker license from 21 to 18 and lowered the prelicense education requirements for brokers from 90 to 75 hours, while increasing the post-license education requirement from 30 to 45 hours;
- effective January 1, 2020, a Kansas broker applicant must attend a broker management course within the six months preceding application;
- effective January 1, 2020 Montana applicants and licensees must have professional liability insurance;
- effective January 1, 2021, the prelicense education requirement for a North Dakota salesperson license applicants increases from 45 to 90 hours and the post-license education requirement of 15 hours is eliminated;
- a North Carolina rule amended reduces the time in which a provisional broker may complete post-licensing education requirements from three years to 18 months;
- Nevada increased the education requirements for broker/broker salesperson applicants and added to mandatory course subjects;
- Vermont eliminated its salesperson post-licensure education requirement and significantly increased its fees; and
- Washington amended the alternative experience qualifications for managing brokers and amended the application submission requirements for business entities seeking licensure.

Alabama

Alabama, Continuing Education Approval

PROVIDER

General requirements

The Alabama Real Estate Commission ("Commission") generally must approve schools teaching prelicense, post-license and continuing education real estate courses.

Courses must be conducted in a facility that provides an "appropriate learning environment." The classroom must:

- be a sufficient size;
- be adequately equipped;
- have adequate light, heat, cooling, ventilation, and public address equipment;
- be free of distractions that disrupt class sessions; and
- be accessible to persons with disabilities.

Approval applications

Schools must submit approval applications online to the Commission, and course and school approvals must be renewed every two years. School license and approval periods begin on October 1 of each odd numbered year and conclude on September 30 of the second year of the period.

School administrators must renew their school approval online. Each school must name an individual to serve as the school administrator. The school administrator is the person responsible for all activities related to real estate education offered at the school.

Distance learning course approval

Approved instructors of primary or secondary providers may offer distance education courses. A

"primary provider" is a course developer who has a "proprietary interest in the course." The Commission must approve, as a school, any primary provider that offers distance education courses directly to Alabama licensees. A "secondary provider" is a school that obtains a distance education course from a primary provider. A secondary provider must have approved instructors who are responsible for "enrolling students, providing course orientation, monitoring student progress, answering student questions, administering and grading exams, verifying and reporting course completion and verifying student identity." A secondary provider must be a school approved by the Commission.

The Commission must also approve:

- distance course instructors;
- all distance education courses developed by approved primary providers, before they are marketed to secondary providers who will offer the courses to Alabama licensees; and
- all distance education courses that will be offered to Alabama licensees by either primary or secondary providers.

The Commission will not approve any course that contains "major content errors" or "fails to meet curriculum requirements."

Approved instructors requesting approval of a distance education course must submit:

- a copy of the Course Summary Certificate from the Association of Real Estate License Law Officials ("ARELLO") or International Distance Education Certification Center (IDECC);
- the course application; and
- the required fee.

Distance learning courses offered for college credit are exempt from the ARELLO/IDECC certification requirements.

All primary providers' distance education courses must:

- be ARELLO or IDECC-certified before being submitted to the Commission; and
- "retain certification in order to retain Commission approval."

Instructors for secondary providers may offer only courses that primary providers have had certified by ARELLO or IDECC.

Approved distance-education course instructors must submit to the Commission procedures for:

- enrolling students;
- monitoring student progress;
- answering questions;
- administering and grading exams;
- verifying and reporting course completion; and
- verifying student identity.

Individuals who seek approval as distance education instructors must submit verification that they have received the Distance Education Instructor Certification from the IDECC before receiving the Commission's approval.

Instructors who teach courses developed by another must review the course for accuracy and applicability before submitting it for the Commission's review and approval. Instructors must also give distance-education students instructions regarding the electronic submission of a course evaluation.

ARELLO-certified distance education courses must follow the Commission's curriculum requirements.

Any licensee who completes a continuing education classroom course or an ARELLO certified distance education course in another state, provided the course is approved by any state, may receive credit in Alabama for the course by submitting the appropriate documentation. The course will count as elective continuing education credit.

Advertising

Course sponsors may not advertise courses as approved before the course instructor receives written approval to teach the course.

Approved schools, course sponsors and instructors may advertise courses only after submitting a written statement that they will be responsible to ensure compliance with all regulations relating to advertising.

The following advertising regulations apply to all approved schools, course sponsors and instructors:

- no person may make a statement or representation in connection with a school or course, if the person knows or reasonably should know the statement or representation is false, inaccurate, or misleading;
- no approved school, course sponsor or instructor may use "false, inaccurate or misleading" advertising;
- the advertising may not make reference to any "pass/fail ratio," or guarantee or allude to a guarantee of passing the state examination.

A school may advertise only under its licensed and approved name.

A school may not advertise in conjunction with any other business establishment unless it submits a written statement that it will be responsible for ensuring that all advertising complies with the advertising laws and rules.

Student records

Each school must maintain attendance records for its students for at least four years.

Certificates of completion

Administrators must electronically submit course credit to the Commission within 10 days of course completion.

Other submissions

No relevant provisions were located.

CONTENT

To meet the continuing education requirements, the 15 clock hours must be as follows:

- three hours in risk management-Level 1;
- three hours of risk management-Level 2; and
- nine hours in Commission-approved elective courses.

The curriculum for approved continuing education courses must consist of "core" real estate subjects that "will assist the licensee in fulfilling the Commission's objective of protecting the public," such as:

- licensing laws;

- the Real Estate Consumer's Agency and Disclosure Act;
- real estate ethics, financing, appraisal and valuation;
- fair housing and truth-in-lending;
- agency relationships and disclosure;
- real estate agent liability;
- contract writing;
- escrow funds;
- environmental issues;
- negotiating techniques, listing and buyer presentations, writing and presenting offers, showing property, sales and communication skills, and marketing; and
- certain financial calculator and computer courses that are real estate specific, and how to use technology in the practice of real estate.

Motivational and personal-development courses, sales meetings, in-house training and orientation courses are not acceptable.

At least eighty percent of the course hours in a post-licensing course must be presented by live instruction unless the course is an ARELLO-certified distance-education course.

Instructors must submit the course-approval application on the form prescribed by the Commission.

MATERIALS

In order to meet the continuing education risk-management requirements, each student enrolled in the course must receive the most current edition of the Alabama Center for Real Estate's "Risk Management Manual."

Instructors must provide each continuing education student with instructions on electronically submitting a course evaluation to the Commission.

INSTRUCTOR QUALIFICATIONS

The Commission approves and regulates instructors who teach prelicense, post-license and continuing education courses. An approved instructor must be present at each session of a course. Unapproved guest speakers with expertise in particular areas may be used without limitation, if the approved instructor is present during their presentations.

Instructor applicants may not have been found guilty of violating any provision of the Real Estate License Law or any state's licensing authority's rules, regulations or orders.

Full-time college and university prelicense and continuing education course instructors are qualified when certified by their educational institutions.

Instructors must hold a current broker's license. Prelicense and post-license instructor applicants who hold an active Distinguished Real Estate Instructor (DREI) designation from the Real Estate Educators Association are automatically approved upon submission of an active DREI certificate or other official documentation from REEA, the appropriate instructor application, and the application fee. All other instructor applicants must meet the Commission's qualifications. The Commission rates the individual's qualifications in education, industry experience and teaching experience, using the following point system:

- active real estate license experience—maximum of 20 points;
- real estate education—maximum of 20 points;

- formal education—maximum of 20 points;
- teaching experience—maximum of 30 points; and
- real estate and related experience—maximum of 10 points.

An applicant must obtain at least 70 points to be approved as an instructor.

An instructor applicant for continuing education:

- must apply for approval online to the Commission and pay the appropriate fee; and
- may not begin teaching a continuing-education course until he or she has received the Commission's written approval.

A person seeking approval to teach an approved continuing education course must meet the qualifications required of all instructors (as set forth in r. 790-X-1-.07 and outlined above), except that a person may apply for approval to teach only continuing-education courses in his or her principal occupation by possessing one of the following:

- a bachelor's degree in the field of instruction plus at least two years of instruction experience;
- teaching experience of least 75 hours in the application field within the three years preceding the application date, plus three years' full-time experience in the field;
- six years of full-time experience in the profession; trade or occupation in the field of instruction; or

- any combination of at least six years of full-time experience relevant to the field and college-level education with course work in the field.

All instructor applicants qualifying under these requirements must submit:

- documentation of the qualifications; and
- a resume showing "experience, education and/or teaching experience in the applicable field."

Documentation must be received by the Real Estate Commission within ten days of the submission of the application.

Instructors will not earn continuing education credit for teaching an approved continuing education course.

Instructor and course approvals must be renewed every two years in the odd-numbered years. Renewal applications must be submitted online. Instructors must renew their instructor approval no later than September 30 of the second year of each approval period. An instructor who fails to meet this deadline will be placed on inactive status and may not teach any classes until the approval is renewed. Prelicense and post-license instructors must complete 12 hours of instructor training courses no later than September 30 of the second year of each approval period, in addition to the continuing education courses required to renew a salesperson or broker license. Instructor training courses may not be used to satisfy real estate license renewal requirements, and courses taken for real estate license renewal may not be used to satisfy requirements for instructor renewal. Instructors who teach only continuing-education courses and full-time college instructors are not required to complete 12 hours of instructor training courses for instructor approval renewal.

Instructors who teach classes only for college credit are not:

- required to pay the initial instructor, course application, instructor renewal or course renewal fees; and
- subject to instructor training course renewal requirements.

All continuing education course instructors, except those who teach only college credit courses, must apply for course approval.

An instructor applicant who holds an active Distinguished Real Estate Instructor designation will be approved to teach continuing education courses by submitting the appropriate application, documentation and fees.

PRIOR APPROVAL REQUIREMENTS

Approval timing

Course sponsors may not advertise courses as approved, enroll students or conduct continuing education classes before the course instructor receives the Commission's written approval. Course instructors should submit the course application to the Commission at least 14 days before the course's proposed starting date. Applications for approval of a course must be submitted online.

Applications for renewal of the approval of a course must include:

- an updated course outline;
- updated learning objectives; and
- learning outcomes.

See regulations 790-X-1-.06, .07 and .08 for provisions that apply only to approvals related to prelicense and post-license courses.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

Students must pass a final course exam and make a minimum course grade of 70% to successfully complete the prelicense and post-license courses, but no provisions were located requiring examinations in continuing education courses.

Proctors

No relevant provisions were located.

Section 34-27-6 amended 2009; regulations 790-X-1-.06, .07, .09, .21 amended 2018; regulations 790-X-1- .08, .10, .11, .12 amended 2016; regulation 790-X-1-.15 amended 2017; regulation 790-X-1-.19 amended 2009.

[Ala. Code § 34-27-6 \(2018\); Ala. Admin. Code rr. 790-X-1-.06, .07, .08, .09, .10, .11, .12, .15, .19, .21 \(2019\)](#)

Alabama, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

An original license holder who has satisfactorily completed the post-license course is not subject to the continuing education requirements for the first renewal of his or her original license.

A licensee who was 65 years old on or before September 30, 2000, and who had been licensed 10 years before that date, is exempt from the requirements of § 34-27-35, which include continuing education requirements, among other things.

A person need not meet the continuing education requirements in order to renew a license on inactive status. However, in order to activate the license, the licensee must complete the 15-hour continuing education requirement.

Required hours

An applicant renewing an active broker license must, on or before September 30 of each license period's final year, submit proof of completing at least 15 clock hours of approved continuing education course work. Failure to meet this deadline results in the license being placed on inactive status on the following October 1. Proof of attendance at the course is sufficient to satisfy the renewal requirement, whether or not the applicant received a passing grade in the course. The 15-

hour requirement applies to each two-year license renewal period. Hours in excess of 15 are not cumulated or credited for subsequent license renewals.

To meet the continuing education requirements, the 15 clock hours must be as follows:

- three hours in risk management-Level 1;
- three hours in risk management-Level 2; and
- nine hours in Commission-approved elective courses.

A licensee may not earn more than nine hours of continuing education credit in one day.

See "Licensing Prerequisites" for post-license education requirements applicable to the first year of licensure. A licensee who completes the 15-hour broker prelicense course or the 30-hour post-license course will earn 15 hours of continuing education credit.

Minimum class length

In order to be approved for continuing education credit, courses generally must contain at least three clock hours of instruction. However, upon special request, the Commission may approve courses that contain one and one-half hours of instruction.

Subjects

The curriculum for approved continuing education courses must consist of "core" real estate subjects that "will assist the licensee in fulfilling the Commission's objective of protecting the public," such as:

- licensing laws;
- the Real Estate Consumer's Agency and Disclosure Act;
- real estate ethics, financing, appraisal and valuation;

- fair housing and truth-in-lending;
- agency relationships and disclosure;
- real estate agent liability;
- contract writing;
- escrow funds;
- environmental issues;
- negotiating techniques, listing and buyer presentations, writing and presenting offers, showing property, sales and communication skills, and marketing; and
- certain financial calculator and computer courses that are real estate specific.

Motivational and personal-development courses, sales meetings, in-house training and orientation courses are not acceptable.

Attendance requirements

Students must "attend 100% of the course offering in order to be awarded continuing education credit." (Ninety percent course attendance is required in prelicense and post-license courses.)

Schools and instructors shall take steps to ensure compliance with the following:

- the student must direct his or her attention to the instruction being provided and refrain from engaging in unrelated activities; and

- a student must refrain from engaging in distracting activities, such as using voice pagers, beepers and cell phones.

Instructors may not submit course credit to the Commission for a student who fails to comply with these participation standards.

Online classes

Approved instructors of primary or secondary providers may offer distance education courses.

A licensee who completes an ARELLO-certified distance education course in another state may receive credit in Alabama for the course by submitting appropriate documentation to the Commission. The course will count as elective continuing education credit.

Other requirements

A license expires at midnight on September 30 of the final year of each license period. An expired license may be renewed during the 12-month period following the license period. A licensee who fails to renew before the end of that 12-month period has a lapsed license and is generally subject to all requirements applicable to persons who have never been licensed. However, the Commission, upon finding hardship, may allow later renewal upon payment of all fees and penalties. A licensee must renew an inactive license in the same manner as an active license.

ASSOCIATE BROKER REQUIREMENTS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON OR AGENT REQUIREMENTS

Exemptions

An original license holder who has satisfactorily completed the post-license course is not subject to continuing education requirements for the first renewal of his or her original license.

A licensee who was 65 years old on or before September 30, 2000, and who had been licensed 10 years before that date, is exempt from the requirements of § 34-27-35, which include continuing education requirements, among other things.

A person does not need to meet the continuing education requirements in order to renew a license

on inactive status. However, in order to activate the license, the licensee must complete the 15-hour continuing education requirement.

Required hours

An applicant renewing an active salesperson license must, on or before September 30 of each license period's final year, submit proof of completing at least 15 clock hours of approved continuing education course work. Failure to meet this deadline results in the license being placed on inactive status on the following October 1. Proof of attendance at a course is sufficient, whether or not the applicant received a passing grade in the course. The 15-hour requirement applies to each two-year license renewal period. Hours in excess of 15 are not cumulated or credited for subsequent license renewals.

To meet the continuing education requirements, the 15 clock hours must be as follows:

- three hours in risk management-Level 1;
- three hours in risk management-Level 2; and
- nine hours in Commission-approved elective courses.

A licensee may not earn more than nine hours of continuing education credit in one day.

See "Licensing Prerequisites" for education requirements applicable to the first year of licensure. A licensee who completes the entire 60-hour broker prelicense course or the entire 30-hour post license course will earn 15 hours of continuing education credit. A temporary salesperson who takes a post-license course that begins in one license period and concludes in the next may use the course for continuing education credit for the next renewal period.

Minimum class length

In order to be approved for continuing education credit, courses generally must contain at least three clock hours of instruction. However, upon special request, the Commission may approve courses that contain one and one-half hours of instruction.

Subjects

The curriculum for approved continuing education courses must consist of "core" real estate

subjects that "will assist the licensee in fulfilling the Commission's objective of protecting the public," such as:

- licensing laws;
- the Real Estate Consumer's Agency and Disclosure Act;
- real estate ethics, financing, appraisal and valuation;
- fair housing and truth-in-lending;
- agency relationships and disclosure;
- real estate agent liability;
- contract writing;
- escrow funds;
- environmental issues;
- negotiating techniques, listing and buyer presentations, writing and presenting offers, showing property, sales and communication skills, and marketing; and
- certain financial calculator and computer courses that are real estate specific.

Motivational and personal-development courses, sales meetings, in-house training and orientation courses are not acceptable.

Attendance requirements

Students must "attend 100% of the course offering in order to be awarded continuing education credit." (Ninety percent course attendance is required in prelicense and post-license courses.)

Schools and instructors shall take steps to ensure compliance with the following:

- the student must direct his or her attention to the instruction being provided and refrain from engaging in unrelated activities; and
- a student must refrain from engaging in distracting activities, such as using voice pagers, beepers and cell phones.

Instructors may not submit course credit to the Commission for a student who fails to comply with these participation standards.

Online classes

Approved instructors of primary or secondary providers may offer distance education courses.

A licensee who completes an ARELLO-certified distance education course in another state may receive credit in Alabama for the course by submitting appropriate documentation to the Commission. The course will count as elective continuing education credit.

Other requirements

A license expires at midnight on September 30 of the final year of each license period. An expired license may be renewed during the 12-month period following the license period. A licensee who fails to renew before the end of that 12-month period has a lapsed license and is generally subject to all requirements applicable to persons who have never been licensed. However, the commission, upon finding hardship, may allow later renewal upon payment of all fees and penalties. A licensee must renew an inactive license in the same manner as an active license.

SPECIALTY LICENSE REQUIREMENTS

Timeshare licenses

No relevant provisions were located.

Section 34-27-33 amended 2008; § 34-27-35 amended 2014; regulation 790-X-1-.13 amended 2009, regulations 790-X-1-.14 amended 2013; regulation 790-X-1-.21 amended 2018; regulation 790-X-1-.06 amended 2018, regulation 790-X-1-.11, -.12 amended 2016.

[Ala. Code §§ 34-27-33, -35 \(2018\); Ala. Admin. Code r. 790-X-1-.06, .11, .12, .13, .14, .21 \(2019\)](#)

Alabama, Licensing Categories

BROKER

It is unlawful for a "any person, sole proprietorship, partnership, corporation, or branch office, or lawfully constituted business organization, . . . for a fee, commission, or other valuable consideration, or with the intention or expectation of receiving or collecting a fee, commission, or other valuable consideration from another," to act as follows unless he or she is licensed to:

- "sell, exchange, purchase, rent, or lease" Alabama real estate;
- "offer to sell, exchange, purchase, rent, or lease" Alabama real estate;
- "negotiate or attempt to negotiate the listing, sale, exchange, purchase, rental, or leasing" of Alabama real estate;
- list or offer, attempt or agree to list Alabama real estate;
- "auction, offer, or attempt or agree to auction" Alabama real estate;
- deal in options on Alabama real estate;

- "aid, attempt, or offer to aid in locating or obtaining for purchase, rent, or lease" Alabama real estate;
- procure or assist in procuring prospects or properties for the "sale, exchange, lease, or rental" of Alabama real estate; or
- present himself or herself as being able to perform an act for which a license is required.

ASSOCIATE BROKER

An "associate broker" is "[a]ny broker other than a qualifying broker." A "qualifying broker" is:

- a broker "under whom a sole proprietorship, corporation, partnership, branch office, or lawfully constituted business organization . . . is licensed; or
- a broker licensed as a company to do business as a sole proprietorship who is responsible for supervising the acts of the company or proprietorship and all real estate licensees licensed therewith.

SALESPERSON OR AGENT

A "salesperson" is a "person licensed as a real estate salesperson."

SPECIALIST CATEGORIES

Vacation time-sharing licensee

A "vacation time-sharing plan" is either a "vacation time-sharing ownership plan" or a "vacation time-sharing lease plan." A "vacation time-sharing ownership plan" is an arrangement whereby "the purchaser receives an undivided fee simple ownership interest in and the right to use accommodations or facilities, or both, for a specific period of time during any given year, but not necessarily for consecutive years, which extends for a period of more than one year." A "vacation time-sharing lease plan" is an arrangement whereby "the purchaser receives a right to use accommodations or facilities, or both, but does not receive an undivided fee simple interest in the property, for a specific period of time during any given year, but not necessarily for consecutive years, and which extends for a period of more than one year."

A seller of vacation time-sharing plans must be licensed under § 34-27-66, and the vacation time-sharing plan and the affected units must be registered with the Commission.

Sections 34-27-2 amended 2008; § 34-27-30 amended 2008; §§ 34-27-50 and 34-27-51 amended 1985.

[Ala. Code §§ 34-27-2, -30, -50, -51 \(2018\)](#)

Alabama, Licensing Exemptions

Alabama real estate licensing requirements do not apply to the following:

- an owner managing or consummating a real estate transaction involving his or her own real estate or the real estate of his or her spouse, child or parent;
- an attorney-at-law performing his or her duties as such;
- a person acting without compensation and in good faith under a power of attorney;
- a receiver, trustee, administrator, executor or guardian;
- a person acting under a court order, trust instrument or will;
- a public officer performing his or her official duties;
- a person performing general clerical or administrative duties for a broker, provided the person does not show property;
- a person managing an apartment building or complex, provided the person does not act as an on-site manager of a condominium building or complex;

- a person licensed as a time-share seller, acting as such; or
- a transaction involving the sale, lease or transfer of cemetery lots.

Section 34-27-2 amended 2008.

[Ala. Code § 34-27-2 \(2018\)](#)

Alabama, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A person who does not hold a current real estate broker license in another state and who desires to be a real estate broker in Alabama must prove that he or she:

- is a high school graduate or the equivalent; and
- has completed an approved real estate course of at least 60 clock hours.

A student must complete the 60-hour prelicense course within one year from the start date of the course. Students enrolled in a broker prelicense course may receive no more than nine hours of credit per day.

A broker candidate must complete the 60-hour broker prelicense course and present a certificate of completion at the test site before being admitted to take the broker examination. Failure to show proof of completion will result in forfeiture of the examination fee.

First-year educational requirements

No relevant provisions were located.

Service in "lower" category

A person who does not hold a current real estate broker license in another state must prove that he or she has had an active real estate salesperson's license in any state for at least 24 of the 36 months immediately preceding the application date.

Waiver of qualifications for some professionals

Applicants who are licensed in another jurisdiction are exempt from taking the complete Alabama examination, but must pass a "reasonable" examination on the subject of Alabama real estate.

Fees and filings

An original broker or salesperson license applicant must pay a variety of fees as set forth in the applicable application.

Applicant investigation

The Commission may charge an applicant a fee for a criminal record search. As of July 1, 2015 an applicant must include a set of fingerprints with his or her required Application to Review Alabama Criminal History Record Information. See [Ala. Real Estate Comm'n, The Update \(Summer 2015\)](#). Effective August 1, 2016, both state and national criminal history background checks are required for licensure, with the applicant bearing the cost of the check.

Examinations

Applicants shall show successful proof of completion of the broker prelicense course in the exam provider's electronic eligibility database prior to scheduling the examination.

The fee for each examination and the provisions for payment and forfeiture are as specified in the contract with the independent testing agency. Within 90 days after passing the examination, an applicant must secure a qualifying broker. In order to obtain an active license, the applicant's qualifying broker must submit to the Commission a signed sworn statement that the applicant is "in his or her opinion honest, trustworthy, and of good reputation and that the broker accepts responsibility" for the salesperson's actions. The applicant's qualifying broker must be licensed in Alabama.

Broker applicants must show proof of completion of the broker prelicensing course in order to be admitted to the state exam. If an applicant fails to meet broker qualifications before taking the broker's examination, the score will be null and void and the applicant may be subject to disciplinary action.

Broker applicants must pass the examination within six months of completing the prelicense course. If an applicant does not pass the examination within the required time, he or she must retake the prelicensing course.

Other prerequisites

The Commission issues a broker license only to a person who meets all of the following requirements:

- is "trustworthy and competent" to transact the business of a broker in a manner that safeguards the public's interest;

- has not had an application for real estate licensure rejected in any state during the two years before the application date for Alabama licensure on any grounds other than failure to pass a written examination, and if the rejection was more than two years before the Alabama application, then the Commissioners must approve the issuance of an Alabama license;

- has not had a real estate license revoked in any state within the two years prior to application for an Alabama real estate license, and if the revocation occurred more than two years before the Alabama application, the Commissioners must approve licensure;

- is at least 19 years old;

- is a United States citizen, a person legally present in the United States with appropriate documentation from the federal government, or an alien with permanent resident status; and

- if a nonresident, agrees to sign the affidavit set forth in § 34-27-32(a)(6).

The Commission may reject the application of a person who has been convicted of or pleaded guilty or nolo contendere to a felony or a crime involving moral turpitude.

A broker license applicant who does not hold a current real estate broker license in another state must apply for a broker's license on a form that specifies the real estate office to which he or she is registered. Along with the application, he or she must submit all of the following:

- proof that he or she has had an active real estate salesperson's license in any state for at least 24 of the 36 months immediately preceding the application date;
- proof that he or she is a high school graduate or the equivalent;
- proof that he or she has completed an approved real estate course of at least 60 clock hours; and
- any other information requested by the Commission.

A broker's license applicant must maintain a place of business. If the applicant maintains more than one place of business in Alabama, he or she must have a company license for each separate location or branch office.

The license of a salesperson who is subsequently issued a broker's license automatically terminates when the Commission issues his or her broker's license certificate. The licensee must return his or her salesperson's license certificate to the Commission before it will issue a broker's license, and the Commission will not refund any fee or recovery fund deposit pertaining to the salesperson's, broker's or company's license.

All broker license applications must contain a recent photograph.

Company licenses

A qualifying broker may apply for a company license for a corporation, partnership, or branch office on a form prescribed by the Commission. The qualifying broker must be an officer, partner, or employee of the company. A company-license applicant must maintain a place of business. If the applicant maintains more than one place of business in Alabama, he or she must have a company license for each separate location or branch office.

ASSOCIATE BROKER QUALIFICATIONS

No specifically applicable provisions were located. See "BROKER QUALIFICATIONS" above.

An associate broker may not perform acts for which a license is required unless licensed under a qualifying broker.

SALESPERSON QUALIFICATIONS

Education

A person who does not hold a current real estate salesperson license in another state must apply for a salesperson's license on a form prescribed by the Commission, which form must specify the real estate office to which he or she is registered. In addition to the application, the applicant must furnish the following:

- proof that he or she is a high school graduate or the equivalent;
- proof that he or she has successfully completed an approved real estate course of at least 60 clock hours; and
- any other information required by the Commission.

A student must complete the 60-hour prelicense course within one year from the start date of the course. Students enrolled in a prelicense course may receive no more than six hours of credit per day.

First-year educational requirements

A 30-hour post license course is required for all temporary salesperson licensees, whether on active or inactive status. In order to maintain an active license, the course must be completed and the original permanent license issued within the first six months of licensure.

To complete prelicense and post-license courses successfully, a student must:

- pass a final course exam and earn a minimum course grade of 70 percent; and
- attend at least 90 percent of the course.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

Applicants who are licensed in another jurisdiction are exempt from taking the complete Alabama examination, but must pass a "reasonable" examination on the subject of Alabama real estate.

Fees and filings

An applicant for an original salesperson license must pay a variety of fees as set forth in the relevant application.

Applicant investigation

As of July 1, 2015 an applicant must include a set of fingerprints with his or her required Application to Review Alabama Criminal History Record Information. See [Ala. Real Estate Comm'n, The Update \(Summer 2015\)](#). Effective August 1, 2016, both state and national criminal history background checks are required for licensure, with the applicant bearing the cost of the check.

Examinations

Applicants must show successful proof of completion of the 60-hour salesperson prelicense course in the exam provider's electronic eligibility database prior to scheduling the examination.

The examination fee and provisions for payment and forfeiture are as specified in the Commission's contract with the independent testing agency.

Within 90 days after passing the examination, an applicant must secure a qualifying broker. In order to obtain an active license, the applicant's qualifying broker must submit to the commission a signed sworn statement that the applicant is "in his or her opinion honest, trustworthy, and of good reputation and that the broker accepts responsibility" for the salesperson's actions. The applicant's

qualifying broker must be licensed in Alabama.

Salesperson applicants must pass the examination within 12 months after completing the approved 60-hour prelicense course. Applicants who fail to meet this requirement must successfully complete the prelicense course again.

Other prerequisites

A salesperson may not perform acts for which a license is required unless licensed under a qualifying broker.

The Commission may issue a salesperson license only to a person who meets all of the following requirements:

- is "trustworthy and competent" to transact the business of a salesperson in a manner that safeguards the public's interest;
- has not had an application for real estate licensure rejected in any state during the two years before the application date for Alabama licensure on any grounds other than failure to pass a written examination, and if the rejection was more than two years before the Alabama application, then the Commissioners must approve the issuance of an Alabama license;
- has not had a real estate license revoked in any state within the two years prior to application for an Alabama real estate license, and if the revocation occurred more than two years before the Alabama application, the Commissioners must approve licensure;
- is at least 19 years old;
- is a United States citizen, a person legally present in the United States with appropriate documentation from the federal government, or an alien with permanent resident status; and
- if a nonresident, agrees to sign the affidavit set forth in §34-27-32(a)(6).

The Commission may reject the application of a person who has been convicted of or pleaded guilty or nolo contendere to a felony or a crime involving moral turpitude.

All salesperson and broker license applications must contain a recent photograph.

SPECIALIST QUALIFICATIONS

Time-sharing plan licenses

Education

No specifically relevant provisions were located.

Service in "lower" category

A qualifying broker for a vacation time-sharing plan must:

- meet all the general requirements for a time-sharing sales license; and
- have a current, active Alabama real estate broker's license and a time-sharing sales license.

Waiver of qualifications for some professionals

No specifically relevant provisions were located.

Fees and filings

Vacation time-sharing sales licenses must be renewed annually on or before August 31. September 30 is "the annual expiration date" for the licenses.

The annual license renewal fee is \$50. Any license renewed after August 31 and before January 1 of the following year is subject to a penalty fee of \$15 in addition to the annual license fee. On January 1 of the year following its expiration, a vacation time-sharing sales license may no longer be renewed, and the former holder must again meet the requirements of an original applicant, including passing the license examination.

Applicant investigation

No specifically relevant provisions were located. However, an applicant:

- must provide satisfactory evidence that the applicant has "a good reputation for honesty and truthfulness"; and
- may not have been convicted of "any criminal offense involving moral turpitude or of any felony in this or any other state," among other things.

Examinations

The following are prerequisites for taking the vacation time-sharing sales examination:

- satisfactory evidence that the applicant has "a good reputation for honesty and truthfulness"; and
- the applicant may not have been convicted of "any criminal offense involving moral turpitude or of any felony in this or any other state", among other things.

A person desiring to act as a vacation time-sharing plan seller must pass to the Commission's satisfaction an examination. The examination will be on the fundamentals of the applicable law and "related topics." The minimum passing grade is 70 percent.

An applicant must pay \$75 for each examination. If an applicant fails to appear, the entire examination fee is forfeited. The applicant has up to 60 days after notice of passing the examination:

- to be designated as a qualifying broker; or
- to secure a qualifying broker under whom to be licensed.

The applicant may also place his or her license on inactive status within that 60-day period.

If an applicant does not become licensed within 60 days after receiving notification of passing the

examination, he or she must again meet an original applicant's requirements before becoming licensed, including passing the examination.

Other prerequisites

A licensed real estate company may act as an agent for the purpose of reselling time-shares for persons who each own no more than four unit weeks of a given plan, provided that:

- the resale contract meets all of the requirements of a contract for the initial sale of a vacation time-sharing interest;
- the qualifying broker for the company is a licensed time-share seller; and
- any sales agent of the company who participates in the time-sale shares is licensed by the Commission as a time-share seller.

The Commission must issue a vacation time-sharing plan seller applicant a license unless the applicant:

- "is designated as a qualifying broker by a representative of a vacation time-sharing plan or real estate company authorized to make such a designation";
- "is sponsored by a duly authorized qualifying broker who has signed a written statement accepting sponsorship of the applicant"; or
- has his or her license issued on inactive status and maintained at the Commission's office.

Section 34-27-32 amended 2016; §§ 34-27-2, -33, -66 amended 2008; § 34-27-60 amended 1985; § 34-27-31 amended 1995; § 34-27-34 amended 1996; § 34-27-35 amended 2014; r, 790-X-2-.02 amended 2009; 790-X-2-.18 added 1982.

[Ala. Code §§ 34-27-2, -31, -32, -33, -34, -35, -60, -66 \(2018\); Ala. Admin. Code r. 790-X-1-.06, -2-.02, -2-.18 \(2019\)](#)

Alaska

Alaska, Continuing Education Approval

PROVIDER

General requirements

The Alaska Real Estate Commission ("Commission") certifies real estate education courses and approves course instructors in order to:

- establish "uniform high standards";
- assure that only courses that "cover current and relevant information" are certified; and
- assure that instructors meet certain minimum education and experience requirements.

Generally, to be certified, a course must meet the following requirements:

- it must "add to the practical knowledge required to perform the duties of a real estate practitioner";
- its content must apply to all areas of the state, but may consider unique local circumstances;
- it must be taught by an approved instructor or an unapproved guest instructor, who may present a specialized portion of a course if an approved instructor is also present;

- students must be required to adhere to a strict attendance policy;
- students must complete a course and instructor evaluation; and
- a certificate of completion must be given to each student.

Courses "developed by a national organization that issues professional designations in specific areas of licensed real estate practice, and that are required to earn or maintain a nationally recognized professional designation," are recognized for credit if:

- the instructor is certified by that national organization to deliver the course; and
- the national organization provides a list of the offered designations with required courses to the Commission annually and a certificate of successful course completion.

Courses in acceptable subject areas and offered by an accredited college or university are recognized for credit, provided the licensee:

- submits a course syllabus; and
- has an official transcript submitted directly from the college or university.

For the national organization, college or university courses:

- the Commission will not charge a course approval fee; and
- the recognized credit will equal the number of hours of actual class time, excluding examinations, to a maximum of 12 hours per course.

Any course certified by the Commission to meet the first-year education requirements is also certified to meet the continuing education requirements in the approved subject areas.

The Commission may withdraw course certification or deny an application for certification if it finds that the course no longer meets the required standards.

Approval applications

To apply for Commission certification of a real estate course, a course sponsor must submit the following:

- a completed application form;
- the appropriate fees; and
- course information, including the following:
 - the course title;
 - number of contact hours requested;
 - the sponsor and designated contact person's name;
 - a detailed course outline that identifies course content, objectives, text materials, sample handouts, and a sample examination, if any;
 - a copy of the attendance policy;
 - a description of procedures for keeping attendance records;

- any provisions for offering the course by correspondence; and
- any policy for allowing a student to make up missed class time.

Distance learning course approval

To obtain certification of a correspondence course, a sponsor must:

- meet the general requirements for course certification (as set forth in regulation 64.420 and discussed above);
- submit a copy of the complete course materials, including any published texts and audio-cassette or videotapes; and
- submit the written instructions for each lesson.

All correspondence courses must include an examination taken in a proctor's presence.

Advertising

A sponsor may not advertise a course as being certified until it has received the Commission's written certification.

Student records

A licensee is generally responsible for maintaining adequate and detailed records, including course certificates or transcripts, showing completion of education courses claimed. "Records must be retained for three years after the date a course was taken."

Certificates of completion

For a course to be certified, the sponsor must give a certificate of completion to each student who "attends and participates in the course and completes the evaluation." The certificate must show:

- the student's name;
- the city in which the course was held;
- the course title and approval number;
- the course's date;
- the number of contact hours awarded;
- the course instructor's or sponsor's signature; and
- the instructor's name.

A college or university transcript may substitute for the certificate of completion.

Other submissions

No relevant provisions were located.

CONTENT

Alaska statutes provide that the Commission must establish by regulation continuing education requirements, which must permit the following types of courses to qualify:

- courses that are developed by national organizations, delivered by nationally certified instructors and required to earn professional designations from a national organization in specialized areas of licensed real estate practice;
- technology courses "directly related to real estate practice" that are designed to enhance a licensee's skills and performance; and
- courses offered by an accredited college or university as part of a real estate curriculum that provide at least "one quarter-hour or one-half semester-hour of academic credit."

A course outline or instructor is considered approved if the Commission does not disapprove the outline or instructor within 45 days after the approval application date. Each approved contact hour of a submitted course outline constitutes one credit hour. The fee for continuing education course certification must be based on the hours approved for credit, not the hours submitted.

The Commission has established the core curricula for continuing education in the following general areas: real estate sales, property management, community association management and commercial sales. A licensee must complete at least one of the four core curricula during each biennial licensing period as part of the licensee's continuing education.

A course must meet the following minimum requirements:

- it must add to the practical knowledge required to perform a real estate practitioner's duties; and
- it must apply to all areas of the state, but may consider unique local circumstances.

The Commission will accept only those continuing education courses that meet the real estate education standards set forth in the regulations (as discussed above), including courses in the following subject areas:

- licensee relationships;

- closing transactions;
- common interest ownership and resale certificates;
- communications, negotiations, "real estate counseling skills" and marketing;
- contracts;
- energy conservation;
- health, safety, and environmental issues;
- compliance with the Americans with Disabilities Act;
- fair-housing and equal-opportunity laws;
- real estate financing;
- foreclosure, judgments and bankruptcy;
- international transactions;
- land use, planning, zoning and building codes;

- legal descriptions;
- listing responsibilities, property disclosure, inspections and prohibited conduct;
- marketing property;
- new construction;
- residential property management;
- property valuation;
- real estate brokerage management and investment analysis;
- property, licensing, securities, title insurance, lien and landlord-tenant law;
- trust account management;
- trusts, estates and probate;
- ethical decision-making in real estate transactions;
- community association management and documents;
- risk management;

- customer client service;
- commercial property management;
- tax law and exchanges;
- broker disclosure responsibility, supervision and trust account responsibility; and
- organizing and managing real estate offices.

An online course will be approved only if the primary purpose of the course is directly related to one of the listed topics.

At least 120 days before the beginning of each licensing period, the Commission will identify those topics in which all licensees must obtain eight contact hours of continuing education credit during the next licensing period. By October 1 of each odd-numbered year, the Commission must notify course sponsors of the topics that satisfy those requirements for the next renewal period.

The following do not meet the Commission's continuing education standards:

- mechanical office or business skills, unless related to one of the subject areas listed above;
- office sales meetings;
- professional organization's orientation courses;
- instructor-development courses; or

- prospecting.

MATERIALS

To be certified, a course must require students to complete a course and instructor evaluation form.

The Commission reviews text materials and sample handouts when it approves course content.

INSTRUCTOR QUALIFICATIONS

Generally, in order for a course to be recognized for credit, the Commission must have approved both the course outline and the course instructor. The course must be taught by an instructor approved to teach that course topic, but an unapproved guest instructor may present a specialized portion of a course if the approved instructor is also present.

Except in the case of certain courses developed by a national organization or offered by an accredited college or university, only an approved instructor may teach a course. A "national instructor" must obtain approval in the appropriate topic area before teaching "any course other than a course required to qualify a licensee for a professional designation in licensed real estate practice from a national organization."

An applicant for instructor approval must submit the following:

- a completed application form;
- the appropriate fees;
- a list of topics the applicant wants to teach; and
- a resume showing the applicant's education and experience in the requested topic areas.

To be approved as an instructor, an applicant must have (a) experience teaching or training adults and (b) at least one of the following:

- a bachelor's degree in "real estate or a related field";
- five years' experience as a real estate licensee with "documented experience" in the requested topic area;
- "another combination of experience and education that establishes the applicant's credentials in the requested topic area"; or
- a listing as an approved instructor by "a national organization that offers professional real estate courses that have been approved by the commission for continuing education credit."

An applicant may substitute for the teaching experience or training, the successful completion of an instructor workshop sponsored by one of the following: the Association of Real Estate License Law Officials, the National Association of Realtors, the Real Estate Educators' Association, the International Right of Way Association, the Community Association Institute, or another comparable national organization.

If necessary, the Commission may interview an applicant to verify or substantiate his or her qualifications.

Instructor approval expires on April 1 of years ending on 0 or 5, except that the approval of an instructor initially approved between January 1 and March 31 of a year ending in 0 or 5 will expire on April 1 of the next year ending in 0 or 5.

An instructor may apply for recertification by submitting:

- a completed application;
- the appropriate fees; and
- evidence that he or she has completed during the previous biennial licensing period for real estate licensees (a) at least two hours of continuing education in each topic area for which the instructor is applying for recertification, (b) teaching a course in the topic area for which recertification is sought, or (c) practical experience in the topic.

A course sponsor may request temporary approval of a person to teach a course if the sponsor:

- cannot find an approved instructor to teach that course topic for credit; or
- chooses to use a qualified instructor from another state.

The Commission may issue a five-day temporary instructor approval to a person who:

- is certified by a nationally recognized organization that requires similar instructor standards;
or
- has experience in the specific subject area to be covered.

The commission may withdraw or deny instructor approval if:

- disciplinary action is taken or pending by the commission or another licensing jurisdiction against that instructor's license;
- the instructor is no longer providing satisfactory instruction;
- the instructor's course has not received prior written approval from the Commission;
- the instructor's course is in a subject area that he or she has not been approved to teach; or
- the instructor provides "fraudulent information or documentation" to a licensee or the Commission.

PRIOR APPROVAL REQUIREMENTS

Approval timing

To be recognized for credit, the Commission must approve a course outline and instructor before the course is conducted. A course outline or instructor is considered approved if the Commission does not disapprove the outline or instructor within 45 days after the application date. A complete course certification or recertification application must be filed 45 days before the course's first offering date.

A certified course "may be offered for credit from the date the commission certifies the course until January 31 of the next even-numbered year, except that a course that is certified by the commission from October 15 of an odd-numbered year through January 31 of an even-numbered year may be offered for credit from the date that the commission certifies the course until January 31 of the following even-numbered year."

Approval after class date

A licensee who has taken a course offered outside of Alaska by a nationally recognized real estate education provider that has not been certified may apply for continuing education credit within sixty days after completing the course and at least sixty days before the end of the licensing period. The licensee must submit:

- an application form;
- all materials provided as part of the class, including materials promoting or describing the class;
- evidence that the real estate education provider is nationally recognized; and
- proof of attendance, including time of instruction.

EXAMINATION

Examination requirements

All correspondence courses must include an examination taken in a proctor's presence.

Proctors

All correspondence courses must include an examination taken in a proctor's presence.

Section 08.88.091 amended 2016; regulatory section 64.510 added 2008; §§ 64.410 and 64.430 amended 2008, 64.440 and 64.500 amended 2014, § 64.450 amended 1999; §§ 64.400, 64.460, and 64.470 amended 2006; § 64.420 amended 2007.

[Alaska Stat. § 08.88.091 \(2018\)](#); [Alaska Admin Code tit. 12, §§ 64.400, .410, .420, .430, .440, .450, .460, .470, .500, .510 \(2019\)](#)

Alaska, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

No specifically relevant provisions were located.

Required hours

A real estate licensee must complete 20 hours of continuing education before the Commission will renew the person's license. The Commission may not set limits that prevent a person from satisfying this requirement within a two-day period. In addition to this continuing education requirement, a licensee must complete 30 hours of post-license education within one year after the date the Commission issues his or her initial license. (See "Licensing Prerequisites" for details regarding post-license education requirements.)

A license renewal applicant:

- may not receive credit for more than 10 hours of continuing-education instruction per day;
- may not receive more than "12 contact hours of credit from any one course content area . . . in a single licensing period";
- who creates a new approved course, may earn continuing education credit equal to the number of hours approved for the course;
- may not receive credit for taking the same, or a substantively identical, course more than once during a licensing period; and
- may not earn continuing education credit for courses taken before the applicant was originally licensed.

A renewal applicant who, at the time his or her license is due to lapse,

- if licensed more than 90 days, must complete 20 contact hours of continuing education; and
- if licensed 90 days or less, is not required to meet continuing education requirements.

For continuing education purposes,

- a minimum of 50 minutes of instruction equals one contact hour;
- "one academic semester credit hour equals 15 contact hours"; and
- "one academic quarter credit hour equals 10 contact hours."

Minimum class length

No relevant provisions were located.

Subjects

The Commission must establish core curricula for continuing education in the following areas: real estate sales, property management, community association management and commercial sales.

More specifically, a renewal licensee applicant must complete the following continuing education contact hours during each licensing period:

- an eight-hour continuing education core curriculum, as identified by the commission, that "stresses current trends in real estate practices and changes in state, federal, and case law in the areas of real estate sales, property management, community association management, or commercial sales"; and
- 12 contact hours of continuing education in elective topics that meet the regulatory requirements. (See "Continuing Education Approval.")

The commission will identify topics in which all licensees will be required to obtain the eight contact hours at least 120 days before the end of the licensing period.

Attendance requirements

To be certified, a class must require students to "adhere to a strict attendance policy in order to receive credit for the course."

Online classes

No specifically relevant provisions were located. However, Alaska law does permit sponsors to obtain approval for correspondence courses. (See "Continuing Education Approval.")

Other requirements

A person whose real estate license has lapsed for fewer than 24 months may reinstate the license if he or she provides:

- the required application;
- the applicable license fees;
- proof of the required continuing education for the licensing periods during which the license was inactive or lapsed;
- proof of completing the first-year post-license educational requirements, if applicable; and
- any fee required by § 08.88.221(12).

A person whose license has lapsed for more than 24 months is not eligible for reinstatement and must meet the qualifications applicable to initial licensure.

ASSOCIATE BROKER REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SALESPERSON REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SPECIALTY LICENSE REQUIREMENTS

No specifically relevant provisions were located.

Sections 08.88.091, .095 amended 2016, § 08.88.241 amended 2005; regulatory § 64.063 amended 2017; § 64.410 amended 2008; § 64.500 amended 2014.

[Alaska Stat. §§ 08.88.091, .095, .241 \(2018\); Alaska Admin. Code tit. 12, §§ 64.063, .410, .500 \(2019\)](#)

Alaska, Licensing Categories

OVERVIEW

Unless licensed as a real estate broker, associate real estate broker, or real estate salesperson in Alaska, a person may not act as follows, unless otherwise provided:

- "sell, exchange, rent, lease, auction, or purchase real estate";
- list real estate;
- collect rent or property-management fees;
- practice, or negotiate a contract for, property management;
- collect community association management fees;
- practice, or negotiate a contract to practice, community association management;
- "as a business, buy, sell, or deal" in real estate options or options in real estate improvements;

- procure or communicate with prospective real estate buyers and sellers or assist in negotiating a transaction that results, or is intended to result, in a real estate "sale, exchange, rent, lease, auction, or purchase";
- accept or pay a fee for performing any of the activities listed above, except as specifically provided by statute;
- "hold out to the public as being engaged in the business of doing" any of the acts listed above; or
- "attempt or offer to do" any of the acts listed above.

BROKER

A real estate broker must be licensed. (See "OVERVIEW" above.)

ASSOCIATE BROKER

An associate real estate broker must be licensed. (See "OVERVIEW" above.)

An active associate real estate broker may perform activities for which a real estate license is required only through a broker who employs or contracts with the licensee.

SALESPERSON

A real estate salesperson must be licensed. (See "OVERVIEW" above.)

An active real estate salesperson may perform activities for which a real estate license is required only through a broker who employs or contracts with the licensee.

SPECIALIST CATEGORIES

Community association managers

"Community association management" means an activity for an owners' association regarding property organized under §§ 34.07 or 34.08 pursuant to an agreement in exchange for consideration, including the following activities:

- preparing budgets and financial documents;
- "collecting, controlling, or disbursing funds";
- obtaining insurance;
- contracting for association property's maintenance and repair; or
- supervising the association's day-to-day operations under its board of director's direction.

A licensee practicing community association management may not:

- exercise control over the association's reserves or investment accounts; or
- operate the association's account unless permitted under a contract that has been approved by the association's board of directors, in which case the institution holding the account must send duplicate financial statements to the licensee and the association's board of directors at separate addresses.

Section 08.88.161 amended 1998; § 08.88.175 enacted 1998; § 08.88.331 amended 1998; § 08.88.900 amended 1999; § 08.88.990 amended 2008.

[Alaska Stat. §§ 08.88.161, .175, .331, .900, .990 \(2018\)](#)

Alaska, Licensing Exemptions

Generally, Alaska laws that require real estate licenses do not apply to the following:

- a person who manages or makes a real estate transaction with respect to real estate the person owns or is seeking to own, as long as the person's compensation does not include any portion of the compensation paid to a real estate licensee;

- an attorney-in-fact under a power of attorney authorizing the specific real estate transaction, provided the person does not so act for more than two transactions in a calendar year;
- a "lawyer performing duties as a lawyer";
- a public official conducting official duties;
- a receiver, trustee, administrator, executor or guardian;
- a person acting under a court order, will or trust instrument;
- a person "dealing in mineral rights transactions";
- an employee of an entity performing certain acts that are "incidental to the regular course of business," provided the act relates to the management, sale or other disposition of real estate owned by the entity;
- a person acting as a resident manager;
- a bookkeeper or accountant performing those functions;
- a real estate office secretary or receptionist accepting rent or association fees and providing a written receipt if a tenant or community association member delivers the rent or fees to the real estate office;
- a tradesman or service vendor performing maintenance and repair;

- an employee of a real estate firm or property owner delivering or accepting a real estate contract or application to or from another person;
- an individual assisting in only administrative, clerical or maintenance tasks;
- a natural person managing four or fewer residential units for others;
- a "community association management . . . by a resident owner of a unit in the property if the owner is a member of a self-managed community association for the property";
- a "community association management by a developer . . . during the period that the developer retains control of at least 51 percent of the property";
- an attorney-in-fact who, for certain relatives, acts under a power of attorney that authorizes specific real estate transaction;
- a mobile-home dealer; or
- a natural person managing property for another without a fee, other than expense reimbursement.

A licensee may not pay the persons listed above "any part of a fee, commission, or other compensation received by the licensee in buying, selling, exchanging, leasing, auctioning, or renting real estate."

An unlicensed person may conduct a real estate auction if:

- he or she has completed an auctioneering program at a certified school and the program included a course on real estate sales; and

- a licensed real estate broker or associate real estate broker "supervises and is present during the auction."

Section 08.88.165 enacted 1996; § 08.88.900 amended 1999.

[Alaska Stat. §§ 08.88.165, .900 \(2018\)](#)

Alaska, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A broker's license applicant must complete 15 hours of approved education before the person may be licensed. On or after January 1, 2017, 30 hours of approved education is required.

Real estate education courses used to qualify for initial licensure:

- must meet the state's regulatory requirements; and
- must have been completed within the 18 months immediately preceding the application date (24 months if used to qualify for initial licensure by endorsement).

To meet the real estate education requirements for a broker's license, an applicant must document completion of the following contact hours in the following topics:

- four contact hours of broker supervision requirements and record keeping;
- three contact hours of trust accounting procedures;

- three contact hours of organizing and managing a real estate office;
- two contact hours of property management; and
- broker-level education to understand the applicability of the following areas covered previously in the applicant's initial education course to receive a real estate salesperson license:
 - three contact hours of licensee relationships, disclosure, and conflict of interest;
 - two contact hours of forms of ownership;
 - two contact hours of property law, public and private rights and limitations;
 - two contact hours of forms of conveyances and recording of documents;
 - two contact hours of contracts and transaction documents;
 - two contact hours of financing instruments and accounting principles;
 - three contact hours of Alaska real estate license law and Alaska landlord tenant law; and
 - two contact hours of federal fair housing and Real Estate Settlement Procedures Act (RESPA) laws.

An applicant must list the following on the application form:

- the course title and Commission course approval number, if applicable;
- the sponsor;
- the number of contact hours; and
- the course instructor.

An associate broker who has met the appropriate education requirements need not repeat the above requirements when upgrading to a broker license.

In determining contact hours,

- a minimum of 50 minutes of instruction equals one contact hour;
- "one academic semester credit hour equals 15 contact hours"; and
- "one academic quarter credit hour equals 10 contact hours."

First-year educational requirements

Alaska law has post-license education requirements that apply to the first-year licensees. In addition to the state's continuing educational requirements, a licensee must complete 30 hours of approved education within one year after the date the Commission issues the initial real estate license. Within 30 days after the end of the one-year period, the licensee must certify that he or she has completed the first-year educational requirements. After a licensee submits the completed form containing the certification and pays the required fee, the Commission will issue the licensee a new license that does not contain first-year education-requirement language. If a licensee fails to complete the educational requirements within the one-year period or to provide the required

certification, the license automatically lapses 30 days after the end of the one-year period, although the Commission may reinstate the license as provided by § 08.88.241.

An individual whose initial license is as a real estate broker need not satisfy the first-year educational requirements for that license, provided the individual was licensed as an associate real estate broker immediately before the license was issued.

Except for a person issued an initial license as a real estate broker as described in § 08.88.095, after initial licensure as a broker or associate broker, a broker or associate broker must complete the following course modules, which Alaska regulations describe in more detail:

- seven hours regarding recovery fund, trust accounts and general accounts;
- eight hours regarding practical office management;
- eight hours regarding practical supervision; and
- seven hours regarding risk management.

Within 30 days after the end of the one-year initial-license period, a real estate licensee must submit:

- certification that the licensee has completed the applicable educational requirements;
- the post-license education certification; and
- the new license document fee.

A licensee who uses a course to meet the first-year education requirements may not use the same course hours to meet continuing education requirements. (However, a renewal applicant who is not subject to the first-year education requirements may receive continuing education credit for completing a course included in the first-year requirement.)

Service in "lower" category

A broker's license applicant must have had at least 24 months of "active and continuous experience as a real estate licensee within the 36 months immediately preceding" the broker license application. On or after January 1, 2018, the requirement will be 36 months of such experience within the preceding 60 months.

Waiver of qualifications for some professionals

An individual who is issued an initial license as a real estate broker need not satisfy the educational requirements of § 08.88.095(a) for an initial license if, immediately before the license is issued, the individual is a licensed associate real estate broker.

Annual fees and filings

A real estate licensee, when applying for or renewing a license, must pay to the Commission, in addition to the license fee, a \$30 recovery fund fee. (The Commission may adjust the recovery fee amount after each two-year licensing cycle, based on the average amount in the existing fund.).

Generally, real estate licenses lapse on January 31 of every even-numbered year unless renewed. An applicant renewing an active license must submit, by the date the license lapses, the following:

- a completed renewal application form;
- the license renewal fee;

- the recovery fund fee; and
- certification that the applicant has satisfied the continuing education requirements.

An applicant renewing an inactive license must submit, on or before the date the license lapses,

- a completed renewal application form;
- the license renewal fee; and
- certification that the applicant has satisfied the continuing education requirements.

A license lapses if a renewal application has not been received by the Department or is not complete by the date the license is to lapse. The Department will reinstate a lapsed license only as an active license. A licensee may be inactive for an entire licensing period and reactivated without paying the recovery fund fee if the licensee's inactive license dates coincide exactly with the dates of a biennial licensing period.

Applicant investigation

No specifically relevant provisions were located. However, an applicant:

- may be required to furnish additional information if it is relevant to the applicant's qualifications to do business; and
- must provide a license history, including any disciplinary action or investigation taken or pending, which history must be sent directly to the department from all jurisdictions in which the applicant holds or has held a real estate license.

Examinations

An applicant must pass a written examination, approved by the Commission, before applying for a license as a real estate broker, associate real estate broker, or real estate salesperson. The examination consists of a general part and a state part. An applicant must sit for both parts of the examination during the same session.

A natural person may qualify for a real estate broker license only if he or she:

- passes the broker's examination; and
- applies for a license within six months after passing the examination.

The real estate examination may include questions on:

- real estate business ethics and standards;
- arithmetic and accounting;
- elementary land economics and appraisal principles;
- the general principles related to "deeds, mortgages, real estate contracts, subdivisions, common interest communities, legal descriptions, building restrictions, real estate licensee relationships, agency law, brokerage, disclosure requirements, trust accounting requirements, and landlord and tenant law";
- "property management ethics and standards";

- "community association management operations, ethics, and standards"; and
- real estate statutes and regulations.

The only purpose of the examination is "to disqualify those whose lack of ability to participate in real estate transactions would create a serious risk of serious financial loss" to the public.

The Commission must offer written examinations at least once a year. If the Commission authorizes the department to contract with a national testing service, the Commission must review the examination and approve its contents, and the applicant may transmit the exam application directly to the national testing service, paying the examination fee directly to the national testing service's designated representative.

An applicant who fails the written examination may apply for a subsequent examination, in which case he or she must pay the application fee with each application.

Applicants who do not pass the examination are not allowed to apply to have the exam rescored.

Registration deadlines must be at least three days before the examination, and registration fees are not refundable.

Other prerequisites

In addition to the requirements discussed above, a broker license applicant:

- may not be "under indictment for, or seven years [must] have elapsed since the person has completed a sentence imposed upon conviction of a felony or other crime that, in the judgment of the commission, affects the person's ability to practice as a real estate broker competently and safely or upon conviction of forgery, theft, extortion, conspiracy to defraud creditors, or fraud"; and
- must be an owner of a real estate business or employed as a real estate broker by a foreign or domestic entity.

Generally, a broker applicant must submit, within six months after the individual has taken the examination,

- a completed application form, including all necessary attachments;
- the license fee and the recovery fund fee; and
- documentation that the applicant has satisfied the education requirements.

Effective March 1, 2010, applicants are required to show proof of errors and omissions insurance.

An applicant also:

- may also be required to furnish additional information if it is relevant to the applicant's qualifications to do business; and
- must provide a license history, including any disciplinary action or investigation taken or pending, which history must be sent directly to the department from all jurisdictions in which the applicant holds or has held a real estate license.

According to the checklist the Commission uses to review a broker license application, the Commission will issue a broker license to an applicant who:

- submits a completed application form, which must include:
- the applicant's name, mailing address, and telephone number;
- the applicant's birthdate, which must show that the applicant is at least 21 years old;
- the applicant's employing broker's name and identifying information;

- "no" answers to all questions dealing with felony indictments or convictions and license actions;
- the applicant's notarized signature, certifying that the information is true and correct to the best of the applicant's knowledge;
- has passed the real estate broker's examination;
- files the completed application within six months of passing the real estate broker examination;
- submits a broker-training education certificate or a college or university transcript verifying 15 hours of approved broker training education;
- submits a statement, signed by the brokers who employed the applicant as a salesperson, verifying that the applicant has "at least 24 months of active and continuous experience as a real estate salesperson within the 36 months" before the application date;
- submits a completed office registration form; and
- pays the office-registration and license-transfer fee.

The Commission will not issue a license to an applicant whose license history on the application form:

- is incomplete; or
- shows a "license disciplinary action or investigation taken or pending."

Applications showing a disciplinary action or investigation must be referred to the Commission for further review.

ASSOCIATE BROKER QUALIFICATIONS

Education

An associate broker license applicant must complete 15 hours of approved education before the person may be licensed. On or after January 1, 2017, 30 hours of approved education is required.

Real estate education courses used to qualify for initial licensure must:

- meet the state's regulatory requirements; and
- have been completed within the 18 months immediately preceding the application date (24 months if used to qualify for initial licensure by endorsement).

To meet the real estate education requirements for a broker's license, an applicant must document completion of the following contact hours in the following topics:

- four contact hours of broker supervision requirements and record keeping;
- three contact hours of trust accounting procedures;
- three contact hours of organizing and managing a real estate office;
- two contact hours of property management; and
- broker-level education to understand the applicability of the following areas covered previously in the applicant's initial education course to receive a real estate salesperson license:

- three contact hours of licensee relationships, disclosure, and conflict of interest;
- two contact hours of forms of ownership;
- two contact hours of property law, public and private rights and limitations;
- two contact hours of forms of conveyances and recording of documents;
- two contact hours of contracts and transaction documents;
- two contact hours of financing instruments and accounting principles;
- three contact hours of Alaska real estate license law and Alaska landlord tenant law; and
- two contact hours of federal fair housing and Real Estate Settlement Procedures Act (RESPA) laws.

An applicant must list the following information on the application form:

- the course title and Commission course approval number, if applicable;
- the sponsor;
- the number of contact hours; and

- the course instructor.

An associate broker who has met the appropriate education requirements need not repeat those requirements when upgrading to a broker license.

In determining contact hours,

- a minimum of 50 minutes of instruction equals one contact hour;
- "one academic semester credit hour equals 15 contact hours"; and
- "one academic quarter credit hour equals 10 contact hours."

First-year educational requirements

A licensee must complete 30 hours of approved education within one year after the date the Commission issued the initial real estate license. The 30 hours are in addition to the continuing education requirements for all licensees. Within 30 days after the end of the one-year period, the licensee must certify that he or she has completed the first-year educational requirements. After a licensee submits the completed form containing the certification and pays the required fee, the Commission will issue the licensee a new license that does not contain the first-year education-requirement language. If a licensee fails to complete the educational requirements within the one-year period or to provide the required certification, the license automatically lapses 30 days after the end of the one-year period, although the Commission may reinstate the license as provided by § 08.88.241.

Except for a person issued an initial license as a real estate broker as described in § 08.88.095, a broker or associate broker must complete the following course modules after initial licensure as a broker or associate broker, which modules are described in more detail by regulation:

- five hours regarding surety funds, trust accounts and general accounts;
- four hours regarding practical office management;

- six hours regarding practical supervision; and
- five hours regarding risk management.

Within 30 days after the end of the initial license one-year period, a real estate licensee must submit:

- certification that the licensee has completed the applicable educational requirements;
- the post-license education certification; and
- the new license document fee.

A licensee who uses a course to meet the first-year education requirements may not use the same course hours to meet continuing education requirements. (However, a renewal applicant who is not subject to the first-year education requirements may receive continuing education credit for completing a course included in the first-year requirement.)

Service in "lower" category

A natural person qualifies for an associate real estate broker license only if he or she has had "at least 24 months of active and continuous experience as a real estate licensee within the 36 months immediately preceding application for the license." On or after January 1, 2018, the requirement will be 36 months of such experience within the preceding 60 months.

Waiver of qualifications for some professionals

No specifically relevant provisions were located.

Annual fees and filings

All real estate licensees are subject to the same annual fee and filing requirements. (See "BROKER REQUIREMENTS: Annual fees and filings" above.)

Applicant investigation

No specifically relevant provisions were located. However, an applicant:

- may be required to furnish additional information if it is relevant to the applicant's qualifications to do business; and
- must provide a license history, including any disciplinary action or investigation taken or pending, which history must be sent directly to the department from all jurisdictions in which the applicant holds or has held a real estate license.

Examinations

An associate real estate broker license applicant must pass the broker's examination and apply for the license within six months after passing the examination. The examination consists of a general part and a state part. An applicant must sit for both parts of the examination during the same session.

The Commission must offer written examinations at least once a year. If the Commission authorizes the department to contract with a national testing service, the Commission must review the examination and approve its contents, and the applicant may transmit the exam application directly to the national testing service, paying the examination fee directly to the national testing service's designated representative.

An applicant who fails the written examination may apply for a subsequent examination, but must pay the application fee with each application.

Applicants who do not pass the examination may not apply to have the exam rescored.

Registration deadlines must be at least three days before the examination. Registration fees are not refundable.

Other prerequisites

In addition to the requirements discussed above, an associate real estate broker applicant:

- may not be "under indictment for or seven years have elapsed since the person has completed a sentence imposed upon conviction of a felony or other crime that, in the judgment of the commission, affects the person's ability to practice as an associate real estate broker competently and safely or upon conviction of forgery, theft, extortion, conspiracy to defraud creditors, or fraud"; and
- must be employed by a licensed real estate broker as an associate real estate broker.

Generally, an associate broker applicant must submit, within six months after the individual has taken the examination,

- a completed application form, including all necessary attachments;
- the license fee and the recovery fee; and
- documentation that the applicant has satisfied the education requirements.

An applicant also:

- may also be required to furnish additional information if it is relevant to the applicant's qualifications to do business; and

- must provide a license history, including any disciplinary action or investigation taken or pending, which history must be sent directly to the department from all jurisdictions in which the applicant holds or has held a real estate license.

Effective March 1, 2010, applicants must show proof of errors and omissions insurance.

According to the checklist the Commission uses to review an associate broker's license application, the Commission will issue an associate broker's license to an applicant who:

- submits a completed application form, which must include:
 - the applicant's name, mailing address, and telephone number;
 - the applicant's birthdate, which must show that the applicant is at least 21 years old;
 - the applicant's employing broker's name and identifying information;
 - "no" answers to all questions dealing with felony indictments or convictions and license actions; and
 - the applicant's notarized signature, certifying that the information is true and correct to the best of the applicant's knowledge;
- has passed the real estate broker's examination;
- files the completed application within six months of passing the real estate broker examination;
- submits a broker-training education certificate or a college or university transcript verifying 15 hours of approved broker training education;
- submits a statement, signed by the brokers who employed the applicant as a salesperson, verifying that the applicant has "at least 24 months of active and continuous experience as a real estate salesperson within the 36 months" before the application date; and
- pays the license transfer fee.

The Commission will not issue a license to an applicant whose license history on the application form:

- is incomplete; or
- shows a "license disciplinary action or investigation taken or pending."

Applications showing a disciplinary action or investigation must be referred to the Commission for further review.

SALESPERSON QUALIFICATIONS

Education

A salesperson's license applicant must complete 40 hours of approved education before the person may be licensed.

To meet the real estate education requirements for a salesperson's license, an applicant for an initial real estate license must document completion of the following topics and hours:

- six contact hours regarding licensee relationships, disclosures and conflicts of interest;
- four contact hours regarding ownership forms;
- four contact hours regarding "property law, public and private rights and limitations";
- four contact hours regarding "forms of conveyances and recording of documents";
- eight contact hours regarding contracts and transaction documents;

- six contact hours regarding financing instruments and accounting principles;
- six contact hours regarding Alaska real estate licensing and landlord-tenant law; and
- two contact hour regarding federal fair-housing and RESPA laws.

Real estate education courses used to qualify for initial licensure:

- must meet the state's regulatory requirements; and
- must have been completed within the 18 months immediately preceding the application date (24 months if used to qualify for initial licensure by endorsement).

An applicant must list the following information on the application form:

- the course title and Commission course approval number, if applicable;
- the sponsor;
- the number of contact hours; and
- the course instructor.

In determining contact hours,

- a minimum of 50 minutes of instruction equals one contact hour;

- "one academic semester credit hour equals 15 contact hours"; and
- "one academic quarter credit hour equals 10 contact hours."

First-year educational requirements

A licensee must complete 30 hours of approved education within one year after the date the Commission issues an initial real estate license. The 30 hours are in addition to the continuing education requirements for all licensees. Within 30 days after the end of the one-year period, the licensee must certify that he or she has completed the first-year educational requirements. After a licensee submits the completed form containing the certification and pays the required fee, the Commission will issue the licensee a new license that does not contain the first-year education-requirement language. If a licensee fails to complete the educational requirements within the one-year period or to provide the required certification, the license automatically lapses 30 days after the end of the one-year period, although the Commission may reinstate the license as provided by § 08.88.241.

Within 30 days after the end of the initial-license one-year period, a real estate licensee must submit:

- certification that the licensee has completed the applicable educational requirements;
- the post-license education certification; and
- the new license document fee.

A licensee who uses a course to meet the first-year education requirements may not use the same course hours to meet continuing education requirements. (However, a renewal applicant who is not subject to the first-year education requirements may receive continuing education credit for completing a course included in the first-year requirement.)

After initial licensure as a salesperson, to meet the first-year education requirements, the salesperson must complete the following course modules, which are described in more detail in Alaska regulations:

- nine hours regarding contracts and agreements;
- three hours regarding property management;
- three hours regarding licensee law;
- six hours regarding paperwork and risk management;
- four hours regarding evaluation and pricing; and
- five hours regarding "financing to closing."

Service in "lower" category

No specifically relevant provisions were located.

Waiver of qualifications for some professionals

No specifically relevant provisions were located.

Annual fees and filings

All real estate licensees are subject to the same annual fee and filing requirements. (See "BROKER REQUIREMENTS: Annual fees and filings" above.)

Applicant investigation

No specifically relevant provisions were located. However, an applicant:

- may be required to furnish additional information if it is relevant to the applicant's qualifications to do business; and

- must provide a license history, including any disciplinary action or investigation taken or pending, which history must be sent directly to the department from all jurisdictions in which the applicant holds or has held a real estate license.

Examinations

A real estate salesperson's license applicant must:

- pass the written real estate salesperson examination; and
- apply for the license within six months after passing the examination.

The real estate salesperson's examination covers the same subjects as the broker examination, but it is "less difficult." The examination consists of a general part and a state part. An applicant must sit for both parts of the examination during the same session.

The Commission must offer written examinations at least once a year. If the Commission authorizes the department to contract with a national testing service, the Commission must review the examination and approve its contents, and the applicant may transmit the exam application directly to the national testing service, paying the examination fee directly to the national testing service's designated representative.

An applicant who fails the written examination may apply for a subsequent examination, but he or she must pay the application fee with each application.

Applicants who do not pass the examination are not allowed to apply to have the exam rescored.

Registration deadlines must be at least three days before the examination, and registration fees are not refundable.

Other prerequisites

In addition to the above requirements, a real estate salesperson applicant must:

- be at least 19 years of age;
- not be "under indictment for a felony or other crime that, in the judgment of the Commission, affects the individual's ability to practice as a real estate salesperson competently and safely or under indictment for forgery, theft, extortion, conspiracy to defraud creditors, or fraud], or, if convicted of such an offense, seven years have elapsed since the person completed the sentence imposed upon conviction"; and
- be employed by a real estate broker.

Effective March 1, 2010, applicants must show proof of errors and omissions insurance.

According to the checklist the Commission uses to review a salesperson's license application, the Commission will issue a salesperson license to an applicant who:

- submits a completed application form, which must include:
 - the applicant's name, mailing address and telephone number;
 - the applicant's birthdate, which must show that the applicant is at least 19 years old;
 - the applicant's employing broker's name and identifying information;
 - "no" answers to all questions dealing with felony indictments or convictions and license actions; and
 - the applicant's notarized signature, certifying that the information is true and correct to the best of the applicant's knowledge;
- has passed the real estate salesperson's examination;
- files the completed application within six months of passing the real estate salesperson's examination;
- submits a preclicensing education certificate or a college or university transcript from a registrar verifying 40 hours of approved preclicensing education;

- pays the appropriate application and initial license fees; and
- pays the recovery fund fee.

An applicant also:

- may be required to furnish additional information if it is relevant to the applicant's qualifications to do business; and
- must provide a license history, including any disciplinary action or investigation taken or pending, which history must be sent directly to the department from all jurisdictions in which the applicant holds or has held a real estate license.

The Commission will not issue a license to an applicant whose license history on the application form:

- is incomplete; or
- shows a "license disciplinary action or investigation taken or pending."

Applications showing a disciplinary action or investigation must be referred to the Commission for further review.

SPECIALIST QUALIFICATIONS

Limited licenses to practice community association management

No provisions were located that permit a person to apply for a limited license to practice community association management at this time.

Section 08.88.172 amended 2016; § 08.88.091 amended 2016; § 08.88.095 amended 2007, §§

08.88.191 and 08.88.201 amended 1998; § 08.88.455 amended 2008; § 08.88.181 amended 2003; § 08.88.171 amended 2016; § 08.88.221 amended 2005; regulatory sections § 64.040 amended 1999; §§ 64.063 and .064 amended 2017; § 64.060 amended 2012; § 64.059 amended 2019; §64.071 amended 2014, § 64.010 amended 2009; § 64.073 amended 2013.

[Alaska Stat. §§ 08.88.091, .095, .171, .172, .181, .191, .201, .221, .455 \(2018\); Alaska Admin. Code tit. 12, §§ 64.010, .040, .059, .060, .063, .064, .071, .073 \(2019\)](#)

Arizona

Arizona, Continuing Education Approval

PROVIDER

General requirements

A school must obtain the following from the [Arizona Department of Real Estate](#) before offering a course of study to meet the education requirements for real estate licensure or renewals:

- a certificate of approval or renewal to operate a school "for a period of at least four years"; and
- a certificate of course approval for each course offered for credit "that is not currently approved for another school."

Approval applications

A school may obtain a Certificate of School Approval by providing the information required by regulation R4-28-404(A). An accredited community college or university offering real estate courses need not obtain a Certificate of School Approval.

For a currently approved course, the school must submit a notice to the department at least 14 days before holding the course to permit Department employees to monitor the course. The notice is not otherwise subject to the Department's review and approval. Also, with the permission of the school that originally received approval for a course, another school that wants to offer the same course is subject only to this 14-day notice requirement before holding the course, and no additional departmental review or approval is required. The Department must approve for

continuing education credit any course of study proposed by a real estate school, provided the course satisfies the Commissioner's requirements and is held in Arizona. The Department may approve any course of study that satisfies the commissioner's requirements and is held in another state. Upon the Commissioner's request, the school must either:

- provide the Department with a videotape of the course; or
- make approved arrangements for monitoring the course.

Any school offering a course of study for original or renewal licensure must apply for and receive a Certificate of Course Approval for each course. The application certificate must contain the information required by regulation R4-28-404(B).

Distance learning course approval

Only a school with a Certificate of Approval may offer a distance learning course. The school must obtain course approval:

- before advertising the course as approved for credit hours; and
- before issuing credit hours to students.

The Department may not approve a distance learning course unless it contains the following:

- individual instruction modules for delivery on a computer or other "interactive program";
- at least one learning objective for each module, which objective must ensure that if the student meets all objectives, he or she will understand the course's entire content;

- a "structured learning method to enable the student to attain each learning objective";
- a "diagnostic assessment" for each module; and
- remediation.

An approved instructor must teach a distance learning course, and either an approved instructor or the school director must grade the course. The instructor or school director must also:

- assist the student, if required;
- obtain a signed certificate from the student, indicating that he or she completed each assignment; and
- certify that the student completed a distance learning course only if he or she (a) completes all required modules; (b) attends any required hours of live instruction, testing or both; and (c) passes a final examination.

The school must also file a plan with the department describing how it will "deal with hardware and software failure."

Advertising

A school may advertise a course as "pending approval" before it has been approved.

Student records

A school offering continuing education or prelicensure courses must maintain for five years a record of each student attending the school. The record must include the following:

- the student's name;

- attendance dates;
- the title of each course taken;
- the course number, category, and credit hours;
- the final grade or score, if the course is a prelicensure course; and
- the original signature roster for each course segment.

Certificates of completion

Each school must issue a certificate of real estate course attendance to each person who completes an approved prelicensure or continuing education course.

Other submissions

No relevant provisions were located.

CONTENT

The general categories for real estate continuing education courses are:

- agency law;
- contract law;

- Commissioner's standards;
- real estate legal issues;
- fair housing;
- disclosure;
- business brokerage; and
- general real estate.

See regulation R4-28-402 for a detailed description of each topic.

The Commissioner may determine minimal requirements for approving educational courses, and the department must maintain a current list of approved courses.

MATERIALS

No relevant provisions were located.

INSTRUCTOR QUALIFICATIONS

The Commissioner may determine minimal requirements for approving instructors. Arizona regulations require any person wishing to teach an approved real estate course to apply for an instructor's approval and to have at least one of the following in the proposed subject area:

- a bachelor's or master's degree in an area traditionally associated with real estate;
- an award of a "generally-recognized professional real estate designation" and two years of postsecondary education from an accredited institution;

- real estate experience and a bachelor's degree in education, with a valid certificate issued within 15 years of the application date;
- a real estate salesperson's or broker's license, if the person is an employee or former employee of a regulatory agency;
- a "Distinguished Real Estate Instructor" designation, with credentials in the specific subject;
- at least three years of real estate or specific subject experience; or
- "other education or experience determined by the Commissioner to qualify the applicant as an instructor."

An instructor must file an application for either approval or renewal as an instructor. Effective January 1, 2012, all instructors, other than panelists, guest speakers, attorneys, or out-of-state instructors, must attend a professional seminar or workshop approved by the Department of Real Estate "emphasizing instruction methods, techniques and skills." The seminar or workshop must be at least three hours long. The requirement may be waived "at the discretion of the Commissioner . . . based on individual request review."

PRIOR APPROVAL REQUIREMENTS

Approval timing

The school must file an application for a certificate of course approval or renewal at least 30 days before holding a prelicensure or continuing education course. For a live course, the application must include a course outline, identifying the course's scope and content and stating a desired instructional outcome. The Department will issue course approval no later than 30 days after filing for a live classroom course or 90 days after filing for a distance learning course. If the Department does not grant approvals within these time frames, the course is automatically approved on a provisional basis for 180 days, unless the Department has notified the applicant of specific

deficiencies or unfulfilled requirements. The course is approved for a four-year period, provided its contents remain current and substantially unchanged.

The Department may waive the 30- and 14-day course filing time frames for "good cause shown."

Approval after class date

The Department may waive the 30- and 14-day course filing time frames for "good cause shown." It is unclear whether this waiver is intended to permit approval after the class date.

EXAMINATION

Examination requirements

No generally relevant provisions were located. However, the distance learning course requirements address examinations. (See "PROVIDER: Distance learning course approval" above.)

Proctors

No relevant provisions were located.

Section 32-2135 amended 2011; regulation R4-28-404 amended 1999; r. R4-28-402 amended 2005.

[Ariz. Rev. Stat. Ann. § 32-2135 \(2019\); Ariz. Admin. Code §§ R4-28-402, -404 \(2019\)](#)

Arizona, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

The Commissioner may waive all or part of the continuing education requirement or grant additional time if a broker submits a written request and shows good cause. "Good cause" includes the following:

- a person employed by the state or a political subdivision establishes that his or her employment during the prior license period "involved real estate-related matters";
- a state officer or employee whose license is "on an inactive status due to a possible conflict of interest or other employment requirement";
- the person "demonstrates successful completion of a course on topics specifically related to the person's field of real estate practice";
- an approved real estate instructor requests a waiver for a course he or she has taught; or
- the broker demonstrates "other extraordinary circumstances."

If the Commissioner grants a broker additional time to complete the continuing education requirement for license renewal, the broker must complete the continuing education hours by the deadline or be subject to disciplinary action.

The license of a broker who is a member of the Arizona National Guard or the U.S. Armed Forces Reserves will not expire while he or she is on active military duty. The license is extended for 180 days following the licensee's return from active duty.

Required hours

A licensee may renew his or her license by presenting evidence of attendance of 24 clock-hours (or a lesser number prescribed by the Commissioner) of continuing education courses at a certified school during the preceding license period. If the applicant is renewing his or her license within one year after it expired, the applicant may apply continuing education hours completed after the expiration toward the continuing education required for renewal.

A broker who has a four-year license must take twelve hours of continuing education in the first 24 months of the licensing period, and twelve hours in the second 24 months. The broker must report

attendance at courses at the end of each 24 month period.

Minimum class length

No relevant provisions were located.

Subjects

The general categories for real estate continuing education courses are as follows:

- agency law;

- contract law;

- commissioner's standards;

- real estate legal issues;

- fair housing;

- disclosure;

- business brokerage; and

- general real estate.

See regulation R4-28-402 for a detailed description of each topic listed above.

Also, the Department, by written notice, may require a renewal applicant to obtain credit hours based upon significant current issues in the real estate community.

If the continuing education course requirements change during a renewal applicant's license period and the applicant has fully complied with the continuing education requirement previously in effect, the applicant is deemed to be in compliance with the continuing education requirements for the license period.

A broker renewing for the first time may include credit for attending the Broker Management Clinic addressed in § 32-2136 before the broker's original licensure date.

The Department must maintain a current list of approved courses.

Broker management clinics

A broker management clinic, before January 1, 2013, must include instruction on:

- Department audits; and
- designated brokers' obligations and responsibilities.

Effective January 1, 2013, a broker management clinic will consist of three three-hour courses on the following topics:

- broker statute and rule requirements, including instruction on Department audits and the legal obligations of designated brokers;
- broker policy development and employee supervision; and
- broker responsibilities and related topics.

After January 1, 2013, such clinics must address record-keeping requirements, trust fund accounts, advertising and promotion, employment agreements, contracts, fiduciary duties, material disclosures, Department investigations, and risk management. The specific contents of a broker management clinic are set forth in § 32-2136(B). See [Az. Dep't of Real Estate Substantive Policy Statement No. 2012.01, "Broker Management Clinic Course/Instructor Requirements" \(Aug. 1, 2012\)](#).

An applicant for an original broker's license must attend a broker management clinic before activating his or her license. A broker generally must attend a broker management clinic before becoming a designated broker, unless he or she has attended such a clinic within the preceding twenty-three months. Attendance at a broker management clinic constitutes three clock-hours (nine clock-hours after January 1, 2013) of the licensee's continuing education requirement.

Attendance requirements

A renewal applicant must file evidence of certificates issued by the school showing the number of credit hours and course of study.

A person may not receive credit for more than nine hours of continuing education per day.

Online classes

A school may offer distance learning courses. See "Continuing Education Approval: Distance Learning Courses" for the required contents of a distance learning course.

Other requirements

A renewal applicant for a real estate broker's license need not take an examination if:

- he or she applies within twelve months after the license expires; and
- the license is not cancelled, terminated or suspended when he or she applies.

The Department may not renew the license of a person who:

- has been convicted of a felony; and

- is currently incarcerated, paroled, under community supervision, or under a parole or community supervision officer's supervision, or is on probation as a result of the conviction.

Regulation R4-28-301(A) provides a more detailed list of mandatory disclosures related to an applicant's criminal or fraudulent acts or legal actions against the applicant.

ASSOCIATE BROKER REQUIREMENTS

Exemptions

The license of an associate broker who is a member of the Arizona National Guard or the U.S. Armed Forces Reserves will not expire while he or she is on active military duty. The license is extended for 180 days following the licensee's return from active duty.

Required hours

An associate broker applying for renewal must submit proof of satisfactory completion of 24 credit hours of continuing education courses. If the associate broker is employed by a designated broker, he or she must take 30 hours of courses, effective January 1, 2013.

An associate broker who has a four-year license must take twelve hours of continuing education in the first 24 months of the licensing period, and twelve hours in the second 24 months. The broker must report attendance at courses at the end of each 24- month period.

Minimum class length

No specifically relevant provisions were located.

Subjects

An associate-broker renewal applicant must complete at least three hours in each of the following categories:

- agency law;

- contract law;
- commissioner's standards;
- real estate legal issues;
- fair housing; and
- disclosure.

The renewal applicant must take additional courses in the mandatory categories or in business brokerage or general real estate to fulfill the required 24 credit hours.

An associate broker renewal applicant may substitute subject matter hours within a 90-hour broker's prelicensure course that meet the criteria for credit in the above listed subject areas, if taken since the last license renewal.

Attendance requirements

No specifically relevant provisions were located.

Online classes

No specifically relevant provisions were located.

Other requirements

No specifically relevant provisions were located.

SALESPERSON OR AGENT REQUIREMENTS

Exemptions

The Commissioner may waive all or part of the continuing education requirement or grant additional time if a salesperson submits a written request and shows good cause. "Good cause" includes the following:

- a person employed by the state or a political subdivision establishes that his or her employment during the prior license period "involved real estate-related matters";
- a state officer or employee whose license is "on an inactive status due to a possible conflict of interest or other employment requirement";
- the person "demonstrates successful completion of a course on topics specifically related to the person's field of real estate practice";
- an approved real estate instructor requests a waiver for a course he or she has taught; or
- the salesperson demonstrates "other extraordinary circumstances."

If the Commissioner grants a salesperson additional time to complete the continuing education requirement for license renewal, he or she must complete the continuing education hours by the deadline or be subject to disciplinary action.

The license of a salesperson who is a member of the Arizona National Guard or the U.S. Armed Forces Reserves will not expire while he or she is on active military duty. The license is extended for 180 days following the licensee's return from active duty.

Required hours

A real estate salesperson applying for renewal must submit proof of satisfactory completion of 24 credit hours of continuing education courses.

A licensee may renew his or her license by presenting evidence of attendance of 24 hours (or a lesser number prescribed by the Commissioner) of continuing education courses at a certified school during the preceding license period. If the applicant is renewing his or her license within one year after it expired, the applicant may apply continuing education hours completed after the

expiration toward the continuing education required for renewal.

A salesperson who has a four-year license must take twelve hours of continuing education in the first 24 months of the licensing period, and twelve hours in the second 24 months. The broker must report attendance at courses at the end of each 24 month period.

Minimum class length

No relevant provisions were located.

Subjects

A salesperson renewing for the first time may include credit for attending the Contract Writing class addressed by § 32-2124(L), if taken within the year before the salesperson's original licensure date. A salesperson's license renewal applicant must complete a minimum of three hours in each of the following categories:

- agency law;

- contract law;

- commissioner's standards;

- real estate legal issues;

- fair housing; and

- disclosure.

See regulation R4-28-402 for a more detailed description of each topic listed above. The renewal applicant must take additional courses in the mandatory categories or courses in business brokerage or general real estate to fulfill the 24-hour requirement. Also, the Department, by written notice, may require a renewal applicant to obtain credit hours based upon significant

current issues in the real estate community.

A salesperson renewal applicant may substitute subject matter hours within a 90-hour broker's prelicensure course that meet the criteria for credit in the above listed subject areas, if taken since the last license renewal.

If the continuing education course requirements change during a renewal applicant's license period and the applicant has fully complied with the continuing education requirement previously in effect, the applicant is deemed to be in compliance with the continuing education requirements for the license period.

The Department maintains a current list of approved courses.

Attendance requirements

A renewal applicant must file evidence of certificates issued by the school showing the number of credit hours and course of study.

A person may not receive credit for more than nine hours of continuing education per day.

Online classes

A school holding a Certificate of Approval may offer a distance learning course. See "Continuing Education Approval-Distance Learning Courses" for required contents of a distance learning course.

Other requirements

A renewal applicant for a real estate salesperson's license need not take an examination if:

- he or she applies within twelve months after the license expires; and
- the license is not cancelled, terminated or suspended when he or she applies.

The Department may not renew the license of a person who:

- has been convicted of a felony; and

- is currently incarcerated, paroled, under community supervision, or under a parole or community supervision officer's supervision, or is on probation as a result of the conviction.

Regulation R4-28-301(A) provides a detailed list of mandatory disclosures related to an applicant's criminal or fraudulent acts or legal actions against the applicant.

SPECIALTY LICENSE REQUIREMENTS

Sales-of-businesses licenses

Effective September 26, 2008, licenses with a business broker designation are no longer issued. Existing licenses are not affected by this change.

Designated brokers

A real estate designated broker, and an associate broker employed by a designated broker pursuant to Ariz. Rev. Stat. § 32-2151.01(G), applying for renewal must complete 24 credit hours of continuing education courses (30 hours after January 1, 2013) during each 24-month period of licensure. The renewal applicant must complete at least three hours in each of the following categories:

- agency law;
- contract law;
- commissioner's standards;
- real estate legal issues;
- fair housing; and
- disclosure.

The renewal applicant must also complete a Broker Management Clinic, as provided by § 32-2136, and take additional courses in the mandatory categories or in business brokerage or general real estate to fulfill the required 24 credit hours. All active designated real estate brokers must attend a broker management clinic once during every two-year licensing period. A designated broker renewal applicant may substitute subject matter hours within a 90-hour broker's prelicensure course that meet the criteria for credit in the above subject areas, if taken since the last license renewal.

Section 32-4301 added 2008; sections 32-2124 and 32-2135 amended 2011; § 32-2130 amended 2012; § 32-2136 amended 2012; regulations R4-28-301 and R4-28-402 amended 2005.

[Ariz. Rev. Stat. Ann. §§ 32-2124, -2130, -2135, -2136, -4301 \(2019\)](#); [Ariz. Admin. Code §§ R4-28-301, -402 \(2019\)](#)

Arizona, Licensing Categories

OVERVIEW

Article 2 of chapter 20 of Arizona Statutes, which addresses real estate licensing, establishes licensing requirements for the following:

- real estate brokers and salespersons;
- cemetery brokers and salespersons; and
- membership camping brokers and salespersons.

However, a person licensed as a real estate broker or salesperson may engage in cemetery or membership camping sales activities without being separately licensed. Therefore, the provisions applicable only to cemetery and membership-camping brokers and salespersons are outside the scope of this survey.

A person or entity that is licensed as a salesperson or broker or engaged in any work for which a license is required is subject to the real estate statutes in the performance of any acts included in the definition of a broker, unless otherwise provided.

BROKER

A "real estate broker" is a person, other than a salesperson, who, for another and for compensation:

- "sells, exchanges, purchases, rents or leases real estate, businesses and business opportunities or timeshare interests", or offers to do the same;
- "[n]egotiates or offers, attempts or agrees to negotiate the sale, exchange, purchase, rental or leasing of real estate, businesses and business opportunities or timeshare interests";
- "[l]ists or offers, attempts or agrees to list real estate, businesses and business opportunities or timeshare interests for sale, lease or exchange";
- "[a]uctions or offers, attempts or agrees to auction real estate, businesses and business opportunities or timeshare interests";
- deals in options on real estate, businesses and business opportunities or timeshare interests or improvements;
- collects or offers, attempts or agrees to collect rent;
- advertises himself or herself as being engaged in "the business of buying, selling, exchanging, renting or leasing real estate, businesses and business opportunities or timeshare interests or counseling or advising regarding real estate, businesses and business opportunities or timeshare interests";
- assists in procuring prospects;

- assists or directs the negotiation of any transaction intended to result in the "sale, exchange, leasing or rental of real estate, businesses and business opportunities or timeshare interests";
- incident to a real estate sale or a sale of businesses and business opportunities, negotiates or "offers, attempts or agrees to negotiate," a loan secured by a mortgage or other encumbrance on or transfer of real estate or timeshare interests, subject to § 32-2155(C), except that this provision does not apply to mortgage brokers;
- assists or offers to assist another in filing an application for the purchase or lease of lands owned by the state or federal government;
- claims, charges, receives, collects or contracts for an advance fee in connection with any employment enumerated above, except for the activities of communications media that are not primarily engaged in advertising real estate or are otherwise exempt;
- engages in any of the acts listed above (i) for the sale or lease of other than real property if a real property sale or lease is a part of the transaction, or (ii) as an employee of or on behalf of the owner for compensation; or
- acts as a business broker.

ASSOCIATE BROKER

An "associate broker" is a licensed broker employed by another broker. Unless otherwise specified, an associate broker has the same license privileges as a salesperson.

SALESPERSON OR AGENT

A "real estate salesperson" is generally a natural person who performs any act or participates in any transaction in a manner included in the definition of real estate broker,

- "on the person's own behalf or through and on behalf of a professional limited liability company or a professional corporation engaged by or on behalf of a licensed real estate broker"; or
- by or on behalf of an entity that is licensed as a real estate broker.

SPECIALIST CATEGORIES

Designated brokers

A "designated broker" is a natural person who is licensed as a broker and who is either:

- designated to act "on behalf of an employing real estate, cemetery or membership camping entity"; or
- doing business as a sole proprietor.

Sale-of-businesses designations

Effective September 26, 2008, Arizona no longer issues licenses with a sale-of-business specialization.

Section 32-2122 amended 1997; § 32-2125.01 amended 2001; § 32-2101 amended 2010.

[**Ariz. Rev. Stat. Ann. §§ 32-2101, -2122, -2125.01 \(2019\)**](#)

Arizona, Licensing Exemptions

The real estate licensing statutes do not apply to:

- a "natural person, a corporation through its officers, a partnership through its partners or a limited liability company through its members or managers that deals in selling, exchanging, purchasing, renting, leasing, managing or pledging the person's or entity's own property" and that does not receive special compensation for a sales transaction or for any property

management services, provided the majority of an officer's, partner's, member's or manager's activities do not involve the acts of a real estate broker;

- a person holding a valid power of attorney that is being used for a specific purpose in an isolated transaction;
- an attorney performing duties as an attorney;
- a receiver, bankruptcy trustee or person acting under court order;
- a trustee selling under a deed of trust;
- a natural person acting as a residential leasing agent or on-site manager of residential rental property, who is performing the activities at no more than one location during the regular workday, who does not receive special compensation (other than certain bonuses) for the acts, and who the owner employs to perform the duties customarily associated with that employment;
- an governmental agency's officer or employee who is not a contract or temporary employee of the agency;
- a natural person who is employed by the owner to act as a property manager for one nonresidential income property or for two or more contiguous nonresidential income properties that are under common ownership;
- certain natural persons, employed by a broker, a person otherwise licensed by the Commission or exempt person or entity, who perform "clerical, bookkeeping, accounting and other administrative and support duties," who are not engaged in any other acts requiring a license and whose employment is not conditioned on or designed to perform duties otherwise requiring a license;

- a natural person employed by a broker to perform limited telemarketing services;
- communications media that are primarily engaged in advertising real estate and that perform no other acts requiring a real estate license, provided certain other statutory requirements are met;
- a person who performs residential property management services or marketing and promotional services solely for nursing care institutions;
- a person who offers to sell or lease property that constitutes a security and that is offered, sold or leased in compliance with the state securities laws, provided the person is a registered securities dealer or salesperson;
- a person who manages a hotel, motel or recreational vehicle park;
- a person who, on behalf of another, solicits, arranges or accepts reservations and/or money for occupancies of 31 or fewer days;
- an escrow agent, title insurer or title insurance agent performing his or her duties as an agent or insurer;
- a corporation that purchases, sells, exchanges, rents, leases, manages or pledges its property if the activity is only incidental to the corporation's business and the officers and employees do not receive special compensation or other consideration for the activity;
- a trust company owned by a bank holding company regulated by the federal reserve board or a bank exercising its fiduciary duties under the terms of a trust agreement; and
- a person who receives certain finder fees.

The Commissioner may grant an exemption from the real estate licensure requirements to any corporation that applies for an exemption, provided:

- the corporation is a nonprofit corporation that "provides project-based housing services and operates solely as a charitable organization"; and
- the corporation's sole activities "related to real estate involve ownership or management of residential property owned or controlled by the corporation."

Section amended 2019.

[Ariz. Rev. Stat. Ann. § 32-2121 \(2019\)](#)

Arizona, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

All real estate broker's license applicants must show that they have:

- completed an approved real estate broker's course of at least 90 classroom hours, or the equivalent, of instruction at a certified real estate school; and
- satisfactorily passed an examination on the course.

The real estate broker's course completion may not be more than 10 years before the application date unless the commissioner determines that the applicant has "work experience in a real estate related field and education that together are equivalent to the prelicensure education requirement."

A person may not receive credit for more than 10 hours of prelicensure classes per day.

Broker management clinics

An original real estate broker's license applicant must attend a broker management clinic before activating the license.

Service in "lower" category

An original broker's license applicant must have at least three years' actual experience as a licensed real estate salesperson or real estate broker during the five years immediately preceding the application date. An equivalent amount of active experience within the immediately preceding five years may substitute for the licensed active experience otherwise required. An applicant may meet the licensed active experience requirement if the applicant can show that he or she has "an equivalent amount of experience in the past five years that, if the applicant had held a license, would have been sufficient to fulfill the licensed experience requirement."

Waiver of qualifications for some professionals

See *Military members*, below.

Fees and filings

All license fees must be paid in advance and are the same regardless of when the license is issued. Arizona has a two-year staggered license period. The original license is valid for a "period of two years up to and including the last day of the month in which the license was granted." See [Ariz. Dep't of Real Estate, Fee Schedule Effective February 27, 2017](#) for a list of all relevant fees.

Applicant investigation

Generally, unless otherwise provided, the commissioner must require proof of the applicant's "honesty, truthfulness, good character and competency." The commissioner may require any information and documents that are reasonably necessary to determine an applicant's good moral character. In this context, "applicant" means a person and, "if an entity, any officer, director, member, manager, partner, owner, trust beneficiary holding ten per cent or more beneficial interest, stockholder owning ten per cent or more stock and person exercising control of the entity." The information may include the following:

- prior criminal records;

- a valid fingerprint clearance card;

- an affidavit stating whether the applicant has:
 - been convicted of a felony or a misdemeanor;

 - had any business or professional license denied, suspended or revoked;

 - had any disciplinary action taken or administrative order entered against him or her;

 - had a public report denied or suspended;

 - been permanently or temporarily enjoined from engaging in any conduct or practice in connection with certain real estate or securities transactions or involving consumer fraud or racketeering;

 - had an adverse decision or judgment entered against him or her arising out of any business involving a real estate transaction or contracts involving "fraud, dishonesty or moral turpitude";

 - filed, or is subject to, a bankruptcy petition; or

 - operated or participated, held an interest in or exercised control over any entity to which any of the above (other than a felony or misdemeanor conviction) apply.

See regulation R4-28-301(A) for a more detailed list of mandatory disclosures related to an applicant's criminal or fraudulent acts, legal actions or other information related to dishonesty or moral turpitude.

The commissioner may not issue a license to a person who:

- has been convicted of a felony; and
- is currently incarcerated, paroled or "under community supervision and under the supervision of a parole or community supervision officer or who is on probation as a result of the conviction."

Each license applicant must obtain a valid fingerprint clearance card from the Department of Public Safety. The card must be submitted to the Real Estate Department.

The Department may not issue a license to an applicant before receiving a valid fingerprint clearance card. However, the Department must suspend a license if a fingerprint card is determined to be invalid and the applicant fails to submit a valid fingerprint card within ten days.

All applicants for licensure must, prior to license issuance or renewal, submit proof of the applicant's legal presence in the United States.

Examinations

All original real estate broker's license applicants must show evidence that they have:

- completed an approved real estate broker's course of at least 90 classroom hours; and
- satisfactorily passed a course examination.

Also, the commissioner must "ascertain by written, electronic or any other examination method" that a real estate license applicant has:

- an "appropriate knowledge" of the English language and of arithmetic common to real estate practices;

- at a minimum, an understanding of "the general purpose and legal effect of any real estate practices, principles and related forms" and any other areas the commissioner deems "necessary and proper";
- a general understanding of principal and agent obligations, real estate and business opportunity practice principles, business ethics, and applicable Arizona statutes and rules.

Effective July 20, 2011, an applicant must have a "thorough" understanding of principal and agent obligations, real estate and business opportunity practice principles, business ethics, and applicable Arizona statutes and rules. In addition, they commissioner shall ascertain that an applicant has "an appropriate knowledge of other real estate practices and principles as determined by the commissioner."

A broker's license examination must be "more exacting and stringent and of a broader scope" than a salesperson's license examination.

Any person who has passed the broker's state examination must become licensed within one year from the examination date, or he or she must pass another examination.

Other prerequisites

Every application for an original broker's license must be:

- submitted in writing and signed by the applicant; or
- submitted electronically and contain an electronic or digital identifier.

All applicable fees must accompany the application.

An application for an original license must generally contain the following information, as more specifically described in § 32-2123(B):

- the applicant's residential address and legal name and "any derivative of the applicant's first name or middle name or a nickname that the applicant regularly uses for advertising purposes;"
- the applicant's employers and employment history for the preceding ten years and any experience in the real estate business or a similar business, if the commissioner determines that the information is necessary to evaluate the applicant's "good moral character";
- the applicant's present employer's name and place of business;
- whether the applicant has ever been convicted of a felony and, if so, details regarding the crime, including, among other things, whether the applicant has been disbarred or suspended from the practice of law;
- whether the applicant has ever been refused a broker's or salesperson's license or any other occupational license and whether any occupational license has been revoked or suspended;
- the name of any corporation, company or partnership that has ever been licensed in which the applicant exercised "any control"; and
- if a natural person, the applicant's social security number or, if the applicant does not have a social security number for bona fide reasons, the applicant's federal tax identification number.

A broker's license application must also set forth:

- the name under which he or she will conduct business; and
- the applicant's place of business.

The applicant:

- must not have had a license denied within the one-year period immediately before application;
- must not have had a license revoked within the two-year period immediately before application; and
- if reapplying for a license that expired more than one year before the application date, must have met all current education and experience requirements and must retake the examination as if applying for an original license.

An applicant must be at least eighteen years of age.

The Department must not issue a broker's license to a person who holds an active salesperson's license in Arizona. A salesperson applying for a broker's license may simultaneously submit a severance signed by the designated broker on behalf of the salesperson's employing broker or may request to be "administratively severed."

See regulation R4-28-302 for detailed provisions regarding information requirements that apply only to a person applying for an employing broker's license.

Military members

Training received as a member of the U.S. Armed Forces, National Guard or other reserve component may completely or partially satisfy educational requirements for a license. An applicant must present satisfactory evidence that they received equivalent education, training or experience as a member of the armed forces.

Corporate licensees

A corporation, limited liability company or partnership applying for a broker's license must designate a natural person who is:

- licensed as a broker; and
- an officer of the corporation or a manager or member of the limited liability company who will act as designated broker.

An employing broker may engage salespersons and associate brokers who act on behalf of licensed professional corporations or professional limited liability companies. A designated broker who acts on behalf of an employing real estate entity may become a professional corporation or a professional limited liability corporation. Any person so engaged must be separately licensed. The department may issue a license in this manner only for a professional corporation or a professional limited liability corporation whose shareholders, members or managers hold active real estate licenses.

A licensed corporation, limited liability company, or partnership, or a professional corporation or limited liability company is exempt from the licensee education requirements. The commissioner may not charge a license or renewal fee to a corporation, professional corporation, limited liability company, professional limited liability company or partnership.

ASSOCIATE BROKER QUALIFICATIONS

No specifically relevant provisions were located. However, because an "associate broker" is a licensed broker employed by another broker, presumably all licensing prerequisites for a broker apply to an associate broker.

SALESPERSON OR AGENT QUALIFICATIONS

Education

Salesperson's license applicants must show evidence that they have:

- completed an approved real estate salesperson's course of at least 90 classroom hours, or its equivalent, of instruction at a certified real estate school; and

- satisfactorily passed a course examination.

The salesperson's course completion (or its equivalent) may not be more than 10 years before the application date, unless the commissioner determines that the applicant "has work experience in a real estate related field and education that together are equivalent to the prelicensure education requirement."

A salesperson's license applicant must also complete six hours of instruction in real estate contract law and contract writing, which must include participation in drafting contracts to purchase real property, listing agreements and lease agreements.

A person may not receive credit for more than 10 hours of prelicensure classes per day.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

See Military members, below.

Fees and filings

All license fees must be paid in advance and are the same regardless of when the license is issued. Arizona has established a two-year staggered license period. The original license is valid for a "period of two years up to and including the last day of the month in which the license was granted." See [Ariz. Dep't of Real Estate, Fee Schedule Effective September 18, 2019](#) for a list of all relevant fees.

Applicant investigation

Generally, unless otherwise provided, the commissioner must require proof of the applicant's "honesty, truthfulness, good character and competency." The commissioner may require any information and documents that are reasonably necessary to determine an applicant's good moral character. In this context, "applicant" means a person and, "if an entity, any officer, director, member, manager, partner, owner, trust beneficiary holding ten per cent or more beneficial interest, stockholder owning ten per cent or more stock and person exercising control of the entity." The information may include the following:

- prior criminal records;

- a valid fingerprint clearance card issued by the Department of Public Safety;

- an affidavit stating whether the applicant has:
 - been convicted of a felony or a misdemeanor;

 - had any business or professional license denied, suspended or revoked;

 - had any disciplinary action taken or administrative order entered against him or her;

 - had a public report denied or suspended;

 - been permanently or temporarily enjoined from engaging in any conduct or practice in connection with certain real estate or securities transactions or involving consumer fraud or racketeering;

 - had an adverse decision or judgment entered against him or her arising out of any business involving a real estate transaction or contracts involving "fraud, dishonesty or moral turpitude";

 - filed, or is subject to, a bankruptcy petition; or

 - operated or participated, held an interest or exercised control in any entity to which any of the above (other than a felony or misdemeanor conviction) apply.

See regulation R4-28-301(A) for a more detailed list of mandatory disclosures related to an applicant's criminal or fraudulent acts, legal actions or other information related to dishonesty or moral turpitude.

The Commissioner may not issue a license to a person who:

- has been convicted of a felony; and
- is currently incarcerated, paroled or "under community supervision and under the supervision of a parole or community supervision officer or who is on probation as a result of the conviction."

Each license applicant must obtain a valid fingerprint clearance card from the Department of Public Safety and submit that card to the Real Estate Department.

The Department may not issue a license to an applicant before receiving the fingerprint clearance card. However, the Department must suspend a license if a fingerprint card is found to be invalid and the applicant fails to submit a new fingerprint card within ten days after notification.

All applicants for licensure must, prior to license issuance or renewal, submit proof of the applicant's legal presence in the United States.

Examinations

Salesperson's license applicants must show evidence that they have:

- completed an approved real estate salesperson's course of at least 90 classroom hours, or its equivalent, of instruction at a certified real estate school; and
- satisfactorily passed a course examination.

Also, the Commissioner must "ascertain by written, electronic or any other examination method" that a real estate license applicant has:

- an "appropriate knowledge" of the English language and of arithmetic common to real estate practices;
- at a minimum, an understanding of "the general purpose and legal effect of any real estate practices, principles and related forms" and any other areas the commissioner deems "necessary and proper"; and
- a general understanding of principal and agent obligations, real estate and business opportunity practice principles, business ethics, and applicable Arizona statutes and rules.

Effective July 20, 2011, an applicant must have a "thorough" understanding of principal and agent obligations, real estate and business opportunity practice principles, business ethics, and applicable Arizona statutes and rules. In addition, they commissioner shall ascertain that an applicant has "an appropriate knowledge of other real estate practices and principles as determined by the commissioner."

Any person who has passed the salesperson's state examination must become licensed within one year from the examination date, or he or she must pass another examination.

Other prerequisites

Every application for an original salesperson's license must be:

- submitted in writing and signed by the applicant; or
- submitted electronically and contain an electronic or digital identifier.

All applicable fees must accompany the application.

An application for an original salesperson's license must generally contain the following information, as more specifically described in § 32-2123B:

- the applicant's legal name and residence address;
- the applicant's employers and employment history for the preceding ten years and any experience in the real estate business or a similar business, if the commissioner determines that the information is necessary to evaluate the applicant's "good moral character";
- the applicant's present employer's name and place of business;
- whether the applicant has ever been convicted of a felony and, if so, details regarding the crime, including, among other things, whether the applicant has been disbarred or suspended from the practice of law;
- whether the applicant has ever been refused a broker's or salesperson's license or any other occupational license and whether any occupational license has been revoked or suspended;
- the name of any corporation, company or partnership that has ever been licensed in which the applicant exercised "any control"; and
- if a natural person, the applicant's social security number or, if the applicant does not have a social security number for bona fide reasons, the applicant's federal tax identification number.

The applicant:

- must not have had a license denied within the one year immediately before application;
- must not have had a license revoked within the two years immediately before application;
and

- if reapplying for a license that expired more than one year before the application date, must have met all current education and experience requirements and must retake the examination as if applying for an original license.

An applicant must be at least eighteen years of age.

Military members

Training received as a member of the U.S. Armed Forces, National Guard or other reserve component may completely or partially satisfy educational requirements for a license. An applicant must present satisfactory evidence that they received equivalent education, training or experience as a member of the armed forces.

SPECIALIST QUALIFICATIONS

Business-brokerage specialist designations

Effective September 26, 2008, Arizona no longer issues licenses with a sale-of-business specialization.

Designated brokers

A broker must attend a broker management clinic before becoming a designated broker, unless he or she has attended a broker management clinic during the preceding 23 months. All active designated real estate brokers must attend a broker management clinic once during every two-year licensing period.

Sections 32-2124 amended 2011 by SB 1292; §§ 32-2108, 32-2108.01, and 32-2129 amended 2010; § 32-2125 amended 2004; § 32-2123 amended 2019; §§ 32-2132 and 32-2136 amended 2007; § 32-4303 added 2017; regulation R4-28-401 amended 1999; rr. R4-28-301 and R4-28-302; r. R4-28-405 expired 2015.

[Ariz. Rev. Stat. Ann. §§ 32-2108, -2108.01, -2123, -2124, -2125, -2129, -2132, -2136, -4303; 41-1080 \(2019\); Ariz. Admin. Code §§ R4-28-301, -302, -401 \(2019\)](#)

Arkansas

Arkansas, Continuing Education Approval

PROVIDER

General requirements

The [Arkansas Real Estate Commission](#) ("Commission") is responsible for provider, course and instructor licensure or approval.

The following providers and their associated instructors need not be licensed:

- the National Association of REALTORS®, the National Association of Real Estate Brokers, or other associated entities if each association identifies an administrator; and
- accredited colleges and universities.

The following courses need not be approved by the Commission:

- a classroom course in a real-estate related subject that is a Commission-approved topic offered by the National Association of REALTORS®, the National Association of Real Estate Brokers or other associated entities;
- a course of at least three semester hours or equivalent in a real-estate related subject that is a Commission-approved topic offered by an accredited college or university;
- a real estate related course offered by the Commission;
- a course or conference in a real estate related subject approved by the Commission offered annually on a limited basis in Arkansas; or

- a course not used to fulfill continuing education requirements.

Approval applications

The Commission must "license, approve and regulate schools, associations, principal instructors and associate instructors offering commission-approved prelicense, postlicense, and continuing education courses offered to satisfy requirements for real estate licensure."

Applications for continuing education course approval must be submitted on Commission forms, accompanied by the \$100 approval fee, and must:

- be based upon subject matter identified by the Commission;
- include a course outline and learning objectives; and
- be offered by classroom instruction or approved distance learning.

Course approvals expire 12 months from the initial approval. Renewal applications must be filed with the Commission no later than 30 days prior to the approval's expiration if there have been no substantive changes to the course content. If there have been such changes, the renewal application must be filed no later than 60 days prior to the approval's expiration. The renewal fee is \$50.

The Commission may issue education licenses on or after January 1, 2014.

Distance learning course approval

All distance education courses must be ARELLO certified, unless the course content is developed by and the method(s) of delivery is approved by the Commission. Schools offering distance education courses must also offer classroom courses in Arkansas. Instructors must hold ARELLO Certified Distance Education Instructor designation and must actively interact with the students completing the course.

Advertising

A person or school may not represent that an offered course satisfies the education requirements unless the course is approved by the Commission.

Student records

Each principal instructor, school owner or administrator must maintain for a minimum of three years complete records of all real estate education business such as enrollment forms, attendance records, and certificates of completion.

Certificates of completion

Students earn credit "on the basis of attendance." All real estate education courses must require 100% attendance for satisfactory completion. Non-participatory activities do not qualify as attendance; physical presence in the classroom does not, in and of itself, establish satisfactory completion.

Each course attendee, upon completion of a course, must receive a certificate of attendance that states:

- the student's name;

- the name of the course's school or sponsor;

- the date the course was completed;

- the number of hours of instruction; and

- other information required by the Commission.

No certificate of attendance may be issued to a licensee who is absent for more than 10 percent of the classroom hours.

Other submissions

The Commission may attend and monitor any courses.

CONTENT

No statutes or regulations specifically list approved topics.

The following do not qualify as continuing education:

- courses designed to prepare a student for passing the real estate broker or salesperson examinations, except as provided by § 17-42-501(a);
- sales promotions or other meetings held in conjunction with the licensee's general business; and
- time devoted to meals.

A licensee may not use the same course to meet the continuing education requirement twice during the same license year.

MATERIALS

No specifically relevant provisions were located.

INSTRUCTOR QUALIFICATIONS

An applicant for a real estate instructor license must:

- be at least 21 years old;
- have successfully completed the prescribed real estate education requirements;
- have sufficient experience as determined by the Commission;
- have no unprofessional-conduct record; and
- evidence a reputation for honesty, trustworthiness and integrity.

Continuing education instructor applicants must:

- have at least a high school diploma or GED;
- have successfully completed a course of instruction consisting of at least 30 classroom hours in the basic principles of real estate;
- have five years of work experience in real estate within the immediately preceding six years; and
- hold and maintain a current active Arkansas real estate broker license.

Instructor renewal applications must be submitted by March 31 each year. The renewal fee for a principal instructor is \$150 and for an associate instructor \$100.

PRIOR APPROVAL REQUIREMENTS

Approval timing

No specifically relevant provisions were located.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

No relevant provisions were located. However, an instructor, school or association need not issue a certificate of completion to a student who, in the instructor's, school's or association's opinion, has not "satisfactorily completed" the course.

Proctors

Any real estate class that has more than 40 attendees must have an approved monitoring plan on file with the Commission prior to offering of the course. Any class offered that has instructional time devoted to luncheon or which is offered with a third-party sponsor's participation must also file an approved monitoring plan.

A monitoring plan must include:

- criteria for determining 100% attendance and course completion by enrolled students;
- methods for monitoring attendance and participation by students;
- a copy of the school's or association's make-up policy; and

- identification and signatures of the principal instructor and other persons responsible for monitoring the students and course.

Sections 17-42-502 to -507 amended 2013; § 17-42-103 amended 2017; § 17-42-509 amended 2019; rr. 16.1 to 16.10 promulgated 2013.

Ark. Code §§ 17-42-103, -502, -503, -504, -505, -506, -507, -509 (LexisNexis 2019); [076-00-001 Ark. Code R. §§ 16.1 to 16.10 \(2019\)](#)

Arkansas, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

The Commission may waive or extend the time to complete all or part of the continuing education requirements for any licensee who submits "satisfactory evidence" of his or her inability to meet them because of:

- health reasons; or
- "other hardship or extenuating circumstances beyond the licensee's control."

Each waiver request must be:

- in writing; and
- supported by clear and convincing evidence.

If the Commission grants the waiver, it may impose such terms and conditions as it deems appropriate.

A nonresident licensee may meet the Arkansas continuing education requirements by taking courses that meet the continuing education requirements of his or her resident state, provided that:

- the courses consist of at least six classroom hours of real estate-related subjects and otherwise comply with the minimum statutory requirements; and
- the licensee submits satisfactory evidence of compliance to the Commission.

An inactive licensee is not subject to continuing education requirements.

Required hours

Real estate broker licensees annually must successfully complete:

- seven classroom hours or equivalent continuing education units or equivalent distance education of continuing education; or
- a course that the Arkansas Real Estate Commission has determined demonstrates a mastery of an acceptable real estate subject.

The Commission may identify a specific topic of not more than three hours to be included in the annual six-hour requirement. Note: The Commission may require not less than six or more than nine hours of continuing education hours annually. Seven hours are required for 2018 and also for 2019.

Licensees are "deemed to have successfully completed the continuing education requirements for the licensing year following the year in which first licensed in Arkansas."

The Commission may identify a specific topic or topics of not more than one hour to be included in the six-hour annual continuing education requirement.

Educational courses or hours submitted to meet the prelicensing education requirement may not be used to meet the continuing education credit requirements, and educational courses or hours

submitted for continuing education credit may not be used to satisfy the prelicensure educational requirements.

The Commission accepts for continuing education credit only approved courses and instructors.

See "Licensing Prerequisites" for education requirements, in addition to continuing education requirements, that are required during the first year of licensure.

Minimum class length

No specifically relevant provisions were located.

Subjects

No statutes or regulations specifically list approved topics. [For 2019](#), the Commission requires all licensees to complete:

- a one-hour Safety course;
- three hours of elective courses; and
- the three-hour 2019 Required Advertising Review Course.

The following do not qualify for continuing education credit:

- courses designed to prepare a student for passing the real estate broker or salesperson examinations, except as provided by § 17-42-501(a);
- sales promotions or other meetings held in conjunction with the licensee's general business; and

- time devoted to meals.

A licensee may not use the same course to meet the continuing education requirement twice during the same license year.

Attendance requirements

Students earn credit on the basis of attendance. A certificate of attendance may not be issued to a licensee who is absent for more than 10 percent of the classroom hours.

Online classes

The Commission determines the classroom-hour equivalency of correspondence courses. Real estate broker licensees must successfully complete six classroom hours or equivalent continuing education units or equivalent distance education of continuing education.

Other requirements

Renewal applications must be filed no later than 90 days prior to the expiration of a license. A renewal application filed after the deadline is treated as an application to renew an expired license. A licensee who does not wish to engage in the real estate business at renewal may apply to renew as inactive. A licensee may activate an inactive license upon:

- submitting proof of satisfactorily completing six hours of approved continuing education credits for each year renewed as inactive, not to exceed 30 classroom hours;
- providing any other information the Commission requires; and
- paying the required fee.

If the Commission does not receive a renewal application and the required renewal fee before the renewal deadline, the license is deemed to have expired at the end of the renewal period. A former licensee who fails to apply for renewal of an expired license within three years is regarded as an original applicant.

ASSOCIATE BROKER REQUIREMENTS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON OR AGENT REQUIREMENTS

Exemptions

The Commission may waive all or part of the continuing education requirements for any licensee who submits "satisfactory evidence" of his or her inability to meet them because of:

- health reasons; or
- "other hardship or extenuating circumstances beyond the licensee's control."

Each waiver request must be:

- in writing; and
- supported by clear and convincing evidence.

If the Commission grants the waiver, it may impose such terms and conditions as it deems appropriate.

A nonresident licensee may meet the Arkansas continuing education requirements by taking courses that meet the continuing education requirements of his or her resident state, provided that:

- the courses consist of at least six classroom hours of real estate-related subjects and otherwise comply with the minimum statutory requirements; and
- the licensee submits satisfactory evidence of compliance to the Commission.

Required hours

Real estate salesperson licensees must annually successfully complete:

- seven classroom hours or equivalent continuing education units or equivalent distance education of continuing education; or
- a course that the Arkansas Real Estate Commission has determined demonstrates a mastery of an acceptable real estate subject.

No more than one hour must be in a specific topic or topics as identified by the Commission in § 17-42-502.

Licensees are "deemed to have successfully completed the continuing education requirements for the licensing year following the year in which first licensed in Arkansas."

The Commission may identify a specific topic or topics of not more than one hour to be included in the annual continuing education requirement.

Educational courses or hours submitted to meet the prelicensing education requirement may not be used to meet the continuing education credit requirements, and educational courses or hours submitted for continuing education credit may not be used to satisfy the prelicensure educational requirements.

The Commission accepts for continuing education credit only approved courses and instructors.

See "Licensing Prerequisites" for education requirements, in addition to continuing education requirements, that are required during the first year of licensure.

Minimum class length

No relevant provisions were located.

Subjects

No statutes or regulations specifically list approved topics. [For 2019](#), the Commission requires all licensees to complete:

- a one-hour Safety course;
- three hours of elective courses; and
- the three-hour 2019 Required Advertising Review Course.

The following do not qualify for continuing education credit:

- courses designed to prepare a student for passing the real estate broker or salesperson examinations, except as provided by § 17-42-501(a);
- sales promotions or other meetings held in conjunction with the licensee's general business; and
- time devoted to meals.

A licensee may not use the same course to meet the continuing education requirement twice during the same license year.

Attendance requirements

Students earn credit on the basis of attendance. A certificate of attendance may not be issued to a licensee who is absent for more than 10 percent of the classroom hours.

Online classes

The Department of Higher Education determines the classroom-hour equivalency of correspondence courses. Real estate salesperson licensees must successfully complete seven classroom hours or equivalent continuing education units or equivalent distance education of continuing education.

Other requirements

Renewal applications must be filed no later than 90 days prior to the expiration of a license. A renewal application filed after the deadline is treated as an application to renew an expired license.

A licensee who does not wish to engage in the real estate business at renewal may apply to renew as inactive. A licensee may activate an inactive license upon:

- submitting proof of satisfactorily completing six hours of approved continuing education credits for each year renewed as inactive, not to exceed 30 classroom hours;
- providing any other information the Commission requires; and
- paying the required fee.

If the Commission does not receive a renewal application and the required renewal fee before the renewal deadline, the license is deemed to have expired at the end of the renewal period. A former licensee who fails to apply for renewal of an expired license within three years is regarded as an original applicant.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section enacted 1993; § 17-42-502 amended 1999; § 17-42-307 amended 2015; §§ 17-42-501 and 17-42-503 amended 2007; § 17-42-103 amended 2017; regulation 11.1 amended 2007; r. 11.3 amended 1997; r. 6.2 and 6.3 amended 1999; r. 4.4, 6.1, 11.2 and 11.4 history unknown.

Ark. Code §§ 17-42-103, -307, -501, -502, -503 (LexisNexis 2019); [076-00-001 Ark. Code R. §§ 4.4; 6.1, .2, .3; 11.1, .2, .3, .4 \(2019\); 2019 Approved Continuing Education Topics](#)

Arkansas, Licensing Categories

BROKER

An "executive broker" is an individual who:

- has a broker's license;

- is "employed by a principal broker or associated with a principal broker as an independent contractor"; and
- participates in principal-broker activities while under a principal broker's supervision.

An executive broker may supervise associate brokers and salespersons.

A "principal broker" is an individual, who, while acting for another for a fee, commission, or other consideration:

- "[s]ells, exchanges, purchases, rents, or leases real estate", or offers to do so;
- "[n]egotiates, offers, attempts, or agrees to negotiate" a real estate transaction;
- lists or "offers, attempts, or agrees to list" real estate;
- auctions or "offers, attempts, or agrees to auction real estate," or participates in a real estate auction;
- deals in options on real estate or real estate improvements;
- collects, offers, attempts, or agrees to collect real estate rent;
- advertises or holds himself or herself out as being engaged in the real estate business;
- procures prospects calculated to result in a real estate transaction;

- "[a]ssists or directs" the negotiation of any transaction intended to result a real estate sale, exchange, lease or rent;
- charges an advance fee "in connection with any contract whereby he or she undertakes to promote the sale or lease of real estate either through its listing in a publication issued for such a purpose or for referral of information concerning the real estate to brokers, or both";
or
- performs any of the above acts as an employee of or on behalf of a real estate owner.

ASSOCIATE BROKER

An "associate broker" is an individual who:

- has a broker's license;
- is employed by a principal broker or associated with a principal broker as an independent contractor; and
- participates in an activity described as a broker activity while under a principal or executive broker's supervision.

An associate broker may not have supervisory authority over any other licensee.

SALESPERSON

A "salesperson" is an individual who:

- has a salesperson's license;

- is employed by a principal broker or associated with a principal broker as an independent contractor; and
- participates in any activity described as a broker activity while under a principal or executive broker's supervision.

SPECIALIST CATEGORIES

No relevant provisions were located. Although Arkansas statutes address time-share programs, their requirements are not incorporated into the state's real estate licensing provisions.

Section 17-42-103 amended 2017.

Ark. Code § 17-42-103 (LexisNexis 2019)

[Arkansas, Licensing Exemptions](#)

The Arkansas licensing provisions do not apply to:

- a person who performs real estate acts as; (a) an owner of an individual freehold or leasehold interest in real estate; (b) in the case of a corporation, limited liability company, limited partnership or other entity holding a freehold or leasehold interest in the real estate, a member, manager, partner, or officer who has authority to make management decisions affecting the overall policy of the entity regarding real estate activities involving only the interest of the owner;)c) an individual attempting to acquire for his or her own use a freehold or leasehold interest in real estate; or (d) in the case of a corporation, limited liability company, limited partnership, or other entity intending to acquire a freehold or leasehold interest in real estate, a member, manager, partner or officer who has authority to make management decisions affecting the overall policy of the entity;
- an attorney-in-fact, provided he or she receives no consideration for performing the act, and has no expectation of receiving any consideration;
- an attorney-at-law performing his or her duties as such;
- a receiver, bankruptcy trustee, administrator, executor or guardian;

- a person acting pursuant to a court order, will or trust instrument;
- a person acting as a resident manager who resides on the premises and leases real property in connection with his or her employment;
- a government officer or employee performing his or her official duties;
- a person employed only at a salaried or hourly rate to engage in the leasing of real property for or on behalf of a licensed principal broker, the real estate firm of a licensed principal broker, or an owner of real estate, provided the person does not engage in or perform any action set forth in § 17-42-103(9) other than accepting a security deposit, rental payment or other related payment and only performs certain other specified tasks related to leases or rentals;
- a multiple listing service owned by a nonprofit organization or association of real estate licensees;
- a corporate officer or general partner, with respect to real estate owned or leased by the entity or in connection with the entity's proposed purchase or leasing of real property, provided the officer or partner does not expect special compensation and the acts are not the officer's or the partner's vocation;
- an officer of a corporation, a member or manager of a limited liability company, or a general partner of a partnership, or the equivalent of an officer of another form of business entity acting with respect to real property owned or leased by the entity or an affiliated entity under common ownership or in connection with the proposed purchase, sale, rental, or leasing of real property by the entity or affiliate, provided that the acts are not performed for or in expectation of a commission or other special compensation resulting solely from a successful transaction; or
- a person employed primarily at a salaried or hourly rate by a corporation, limited liability company, partnership, or other business entity acting with respect to real property owned or

leased by the entity or an affiliated entity under common ownership or in connection with the proposed purchase, sale, rental, or leasing of real property by the entity or affiliate if:

- the acts are not performed by the employee for or in expectation of a commission or other compensation resulting solely from a successful transaction;
- the primary business activity of both the entity and affiliated entity is not ownership or acquisition of real estate; and
- the employee is not providing real estate services to or on behalf of more than one entity not affiliated by common ownership.

Section 17-42-104 amended 2017.

Ark. Code § 17-42-104 (LexisNexis 2019)

Arkansas, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A broker license applicant must successfully complete within the 36 months immediately preceding the application date "a course or courses of instruction in real estate principles, license law, and [Real Estate Commission](#) regulations by actual classroom attendance or completion of approved distance education courses for not less than sixty (60) classroom hours."

A broker license applicant must complete at least 45 hours of the required education hours in a course developed by the Commission.

Applicants who are retaking only one part of the required examination remain subject to the requirement in effect at the time the applicant passed the other part of the examination. Proof of completion of the education requirement consists of the original certificates, or certified copies, from the school or organization or other satisfactory documentation.

All classroom hours must be conducted by:

- an accredited postsecondary school;
- a school or organization licensed by the Arkansas Real Estate Commission; or
- a school or organization approved by a real estate licensing jurisdiction and "deemed equivalent by the Commission."

The required courses may be satisfied by successful completion of distance education courses as the Commission requires, considering the conversion from the number of hours necessary to provide instruction in basic competencies required for a broker's license and the Career Education Board's recommendations.

No courses or hours submitted as credit toward the prelicensing education requirement may be used as credit for the continuing education requirements, and no educational courses or hours submitted for continuing education credit may be used to satisfy the prelicensure educational requirements.

First-year educational requirements

Each broker initially licensed as a broker after January 1, 2002, must generally complete a required a 30-hour broker post-licensure course within six months after the date the Commission issued his or her original license. If the licensee fails to complete the post-license education requirements within that six-month period, the Commission must place the license on inactive status until the Commission receives documentation that the licensee completed the post-licensure education requirements.

A broker who completed the salesperson post-license education course within the 36-month period immediately preceding the date of his initial broker license is credited with the 18-hour salesperson post-license course upon submitting proof of completion. Upon the Commission's approval, that

broker need complete only 12 hours in the broker course on subjects that are not covered in the salesperson course.

All post-license education courses must be conducted by either the Arkansas Real Estate Commission, a licensed school or organization, or an accredited post-secondary school. Post-license education hours are "conducted by actual classroom attendance." The Commission establishes the course content for post-license education courses.

A broker must deliver to the Commission a certificate of completion of the post-license education course no later than the end of the month six months after the broker's initial license date. If the Commission does not receive that documentation within the required time period, the Commission will place the license on inactive status until the licensee files satisfactory documentation of completing the post-license education course.

Service in "lower" category

Applicants for a broker's license must serve an active bona fide apprenticeship by holding a valid real estate salesperson's license issued by the Commission, or by holding a valid real estate salesperson's license or broker's license issued by the appropriate licensing agency of another state, for a period of not less than 24 months within the previous 48-month period immediately preceding the date of application.

Waiver of qualifications for some professionals

The Commission may waive the experience requirement for a broker applicant who:

- has held an active broker's license for at least 18 months; or
- has acceptable experience in a field considered real estate related for at least 24 months within the 48-month period immediately preceding the application date.

Each waiver request must:

- be in writing; and
- include the necessary proof to establish the applicant's eligibility for the waiver.

Annual fees and filings

Real estate licenses expire on a date established by the Commission. In addition to the fees required upon license application, a broker must pay a broker's license annual renewal fee of \$80.

The following post-licensing fees may also apply under certain circumstances:

- a broker's expired license fee of \$110 per year;
- a license reissuance fee \$30;
- an initial duplicate license fee of \$30;
- a duplicate license annual renewal fee of \$30;
- a transfer fee of \$30; and
- a Real Estate Recovery Fund fee of \$25.

Applicant investigation

The Commission may require each original license applicant to apply to the Identification Bureau of the Department of Arkansas State Police for a state and federal criminal background check to be conducted by the State Police and the Federal Bureau of Investigation. License applicants who have submitted the application for a background check may sit for the licensing examination, but no license will be issued until the background check is completed.

The background check must:

- conform to applicable federal standards; and

- include taking fingerprints.

At the conclusion of the background check, the State Police may retain the applicant's fingerprint card until the person is no longer licensed.

Unless otherwise provided, a person may not receive or hold a real estate license if he or she has been convicted of (or pleaded guilty or nolo contendere to, a "felony listed under § 17-2-102 or crime involving violence, fraud, dishonesty, untruthfulness, or untrustworthiness." The Commission may waive this restriction upon the request of an affected applicant or a person holding a license subject to sanctions, in circumstances that include, but are not limited to, the following:

- the age at which the applicant committed the crime;
- the circumstances surrounding the crime;
- the length of time since the applicant committed the crime;
- the applicant's subsequent work history and employment and character references; and
- other evidence that demonstrates that "the applicant does not pose a threat to the public."

The Commission may collect the actual cost of the state and federal criminal history background check.

The information the Commission receives from the background check is not available for examination except by the affected applicant or the person whose license is subject to sanctions (or an authorized representative). The Commission may make the criminal conviction report available to the applicant who is the subject of the report and must provide the applicant a reasonable time to challenge the accuracy or completeness of the information. If an applicant challenges his or her conviction report, he or she must notify the Commission in writing, and the Commission may not determine whether an applicant is qualified until the applicant has had "reasonable opportunity to challenge" the report.

Examinations

An applicant must complete all requirements of regulation 4.1 before he or she may take the required examination. Applications generally expire one year after the application date or upon successful completion of the examination, whichever occurs first. However, the application of an applicant who takes and passes only one part of the examination within one year from the application date does not expire until the six months allowed for retaking the failed portion expires.

Applicants for an original broker's license must pass a written examination to "demonstrate competency to act as a real estate licensee in such a way as to safeguard" the public's interests. The examination consists of a general part and a part addressing Arkansas law. A broker applicant must attain a score of at least 70 on the general part and 75 on the Arkansas-law part. A person who is licensed as a broker may not apply and may not take the examination. A person who has passed the Arkansas broker's examination but who is not licensed as a broker may apply. However, in addition to meeting other requirements, that person must furnish an affidavit stating the reason for applying, and he or she may take the examination only with the director's written permission.

If an applicant passes one part, but fails the other, he or she need not retake the part passed if, within six months of the initial examination, the applicant retakes and passes the failed part. Otherwise, the applicant must retake the entire examination. If more than one year has passed since the original application date, the applicant must also submit a new application.

The Commission must receive applications at least 10 days before the examination. An examination fee that equals the actual examination cost is collected at the test center. The applicant is charged the examination fee each time he or she takes the examination, and the fee is not refundable.

Within 90 days from the date of successful completion of the examination, an applicant must pay to the commission the appropriate license and recovery fund fees. However, the recovery fund fee is waived for any successful applicant who has previously paid the fee. If the federal criminal background check on the applicant is not completed within 90 days from the date of the examination, the Commission may extend the date until the completion of the background check.

An applicant who meets all of the following requirements must take only the Arkansas-law part of the examination:

- the applicant has passed "a uniform, general, or multi-state part of an examination for a real estate license in another state in which the examination is determined by the commission to meet generally acceptable standards of real estate testing";
- the other state requires a minimum passing grade no lower than that required for the general part of the Arkansas examination; and

- the applicant is licensed in the other state.

Other prerequisites

Generally, the Arkansas Real Estate Commission will issue a license to any applicant who has:

- attained the age of majority;
- successfully completed the appropriate educational and requirements;
- successfully completed the appropriate examination;
- demonstrated "no record of unprofessional conduct";
- provided evidence of a "good reputation for honesty, trustworthiness, and integrity sufficient to safeguard" the public's interests;
- completed a criminal history background check; and
- paid the appropriate fees, including the application and examination fee, the background-check fees and the Real Estate Recovery Fund fee.

Accordingly, broker applicants must provide the following:

- proof he or she has attained the age of majority, by birth certificate, driver's license or other satisfactory proof;

- proof of timely successful completion of the required instruction, by original or certified copies of certificates from the school or organization;
- unless waived, proof of service of an active bona fide apprenticeship, through the Commission's official license records or certified copies of another state's licensure records or other satisfactory documentation demonstrating that the applicant has experience in the real estate business equivalent to that which would be gained by a person engaged in real estate on a full-time basis during a minimum two-year period;
- an affidavit by the applicant providing that he or she has "no record of unprofessional conduct"; and
- any other documents or information related to professional licenses held by the applicant, formal disciplinary actions by regulatory agencies, or pending lawsuits filed or judgments entered against the applicant for fraud, deceit, dishonesty, misrepresentation or conversion of property.

ASSOCIATE BROKER QUALIFICATIONS

No specifically applicable provisions were located. See "BROKER QUALIFICATIONS" above.

SALESPERSON OR AGENT QUALIFICATIONS

Education

A salesperson's license applicant must successfully complete real estate instruction by actual classroom attendance or completion of approved distance education courses of at least 60 classroom hours, of which at least thirty 30 hours must be in the basic principles of real estate. Proof of attendance consists of the original or certified copies of certificates from the school or other organization or other satisfactory documentation.

The applicant may satisfy the course requirements by successful completion of distance education courses as the Commission requires, considering the conversion from the number of hours necessary to provide instruction in basic competencies required for a salesperson's license and the Career Education Board's recommendations.

First-year educational requirements

Each salesperson initially licensed in that capacity after January 1, 2002, must complete an 18-hour salesperson's post-licensure course within six months after the date the Commission issued the original license. If the licensee fails to complete the post-license education requirements within that six-month period, the Commission must place the license on inactive status until the Commission receives documentation that the licensee has completed the post-licensure education requirements.

All post-license education courses must be conducted by the Arkansas Real Estate Commission, a licensed school or organization, or an accredited post-secondary school. All post-license education hours are "conducted by actual classroom attendance." The Commission establishes the course content for post-license education courses.

The salesperson must deliver to the Commission a certificate of completion of the post-license education course no later than the end of the month six months after the salesperson's initial licensing date. If the Commission does not receive the documentation within that required time period, the Commission will place the license on inactive status until the licensee files satisfactory documentation of his completion of the post-license education course.

No courses or hours submitted as credit toward the prelicensing education requirement may be used as credit for the continuing education requirements, and no educational courses or hours submitted for continuing education credit may be used to satisfy the prelicensing educational requirements.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

No relevant provisions were located.

Fees and filings

Real estate licenses expire on a date established by the Commission. In addition to the fees required upon license application, a salesperson must pay a salesperson's license annual renewal of \$60.

The following post-licensing fees may also apply under certain circumstances:

- a salesperson's expired license of \$80 per year;

- a license reissuance fee of \$30;
- an initial duplicate license of \$30;
- a duplicate license annual renewal fee of \$30;
- a transfer fee of \$30; and
- a Real Estate Recovery Fund fee of \$25.

Applicant investigation

The Commission may require each original license applicant to apply to the Identification Bureau of the Department of Arkansas State Police for a state and federal criminal background check to be conducted by the State Police and the Federal Bureau of Investigation. An applicant who has applied for a background check may take the licensing examination; however, no license will be issued until the completed background check is received.

The background check must:

- conform to applicable federal standards; and
- include taking fingerprints.

At the conclusion of the background check, the State Police may retain the applicant's fingerprint card until the person is no longer licensed.

Unless otherwise provided, a person may not receive or hold a real estate license if the person has been convicted of, or pleaded guilty or nolo contendere to, a "felony or crime involving moral turpitude, fraud, dishonesty, untruthfulness, or untrustworthiness." The Commission may waive this restriction upon the request of an affected applicant or a person holding a license subject to sanctions, in circumstances that include, but are not limited to, the following:

- the age at which the applicant committed the crime;
- the circumstances surrounding the crime;
- the length of time since the applicant committed the crime;
- the applicant's subsequent work history and employment and character references; and
- other evidence that demonstrates that "the applicant does not pose a threat to the public."

The Commission may collect the actual cost of the state and federal criminal history background check.

The information the Commission receives from the background check is not available for examination except by the affected applicant or person whose license is subject to sanctions (or an authorized representative). The Commission may make the report of any criminal convictions available to the applicant who is the subject of the report and must provide the applicant a reasonable time to challenge the accuracy or completeness of the information. If an applicant challenges his or her conviction report, he or she must notify the Commission in writing, and the Commission may not determine whether an applicant is qualified until the applicant has had "reasonable opportunity to challenge" the report.

Examinations

An applicant must complete all requirements of regulation 4.1 before he or she may take the examination. Applications generally expire one year after the application date or upon successful completion of the examination, whichever occurs first. However, the application of an applicant who takes and passes only one part of the examination within one year from the application date does not expire until the six months allowed for retaking the failed portion expires.

Applicants for an original salesperson's license must pass a written examination to "demonstrate competency to act as a real estate licensee in such a way as to safeguard" the public's interests. The examination consists of a general part and a part addressing Arkansas law. Salesperson applicants must attain a minimum score of 70 on the general part and 70 on the Arkansas-law part of the examination. A person who is licensed as a salesperson or broker may not apply and may not take the examination. A person who has passed the Arkansas real estate salesperson's

examination, but who is not licensed, may apply, but that person must furnish an affidavit stating the reason for applying and may take the examination only with the director's written permission.

If an applicant passes one part, but fails the other, he or she need not retake the part passed if, within six months of the initial examination, the applicant retakes and passes the failed part. Otherwise, the applicant must retake the entire examination. If more than one year has passed since the original application date, he or she must also submit a new application.

The Commission must receive applications at least 10 days before the examination. An examination fee that equals the actual examination cost is collected at the test center. The applicant is charged the examination fee each time he or she takes an examination, and the fee is not refundable.

Within 90 days from the date of successful completion of the examination, the applicant must pay to the Commission the appropriate license and recovery fund fees. However, the recovery fund fee is waived for any successful applicant who has previously paid the fee. If the federal criminal background check on the applicant is not completed within 90 days from the date of the examination, the Commission may extend the date until the completion of the background check.

An applicant who meets all of the following requirements is required to take only the Arkansas-law part of the examination:

- the applicant has passed "a uniform, general, or multi-state part of an examination for a real estate license in another state in which the examination is determined by the commission to meet generally acceptable standards of real estate testing";
- the other state requires a minimum passing grade no lower than that required for the general part of the Arkansas examination; and
- the applicant is licensed in the other state.

Other prerequisites

Generally, the Arkansas Real Estate Commission will issue a license to any applicant who has:

- attained the age of majority;

- successfully completed the appropriate educational and requirements;
- successfully completed the appropriate examination;
- demonstrated "no record of unprofessional conduct";
- provided evidence of a "good reputation for honesty, trustworthiness, and integrity sufficient to safeguard" the public's interests;
- completed a criminal history background check; and
- paid the appropriate fees, including the application and examination fee, the background-check fees and the Real Estate Recovery Fund fee.

Accordingly, salesperson's license applicants must provide proof of the following:

- attainment of the age of majority, by birth certificate, driver's license or other satisfactory proof;
- successful completion of the required instruction, by original or certified copies of the certificates from the school or organization;
- an affidavit by the applicant providing that he or she has "no record of unprofessional conduct"; and
- any other documents or information related to professional licenses held by the applicant, formal disciplinary actions by regulatory agencies, or pending lawsuits filed or judgments entered against the applicant for fraud, deceit, dishonesty, misrepresentation or conversion of property.

SPECIALIST QUALIFICATIONS

Time-share program

Each registration for a time-share program must be renewed annually. Although monitored by the Commission, the program is not a part of the state's real estate licensing statutory scheme.

Generally, the renewal must be made on a form prescribed by the Commission and accompanied by a fee of one-half the amount of the original filing fee.

Section 17-42-302 amended 2011; § 17-42-304 amended 2005; § 17-42-303 amended 2013; §§ 17-42-306 and -307 amended 2017; § 17-42-315 amended 2019; § 17-42-501 amended 2013; 17-42-301 amended 2011; regulation 4.1 amended 2012, r. 4.3 amended 2007, r. 11.5 amended 2017; r. 4.2, 4.4 and 13.1 history unknown.

Ark. Code §§ 17-42-301, -302, -303, -304, -306, -307, -315, -501 (LexisNexis 2019); [076-00-001 Ark. Code R. §§ 4.1, .2, .3, .4; 11.5; 13.1 \(2019\)](#)

California

California, Continuing Education Approval

PROVIDER

General requirements

When approving a continuing education offering, the Real Estate Commissioner ("Commissioner") applies the following criteria:

- the offering must have at least one clock hour of instruction, based on 50 minute increments of actual instruction. Time spent on the final examination may be included in the clock hours of the offering;
- except for a correspondence course, participants must be physically present for at least 90% of the offered time, exclusive of any time for an examination;

- the sponsor must provide to each participant a written course outline that is a narrative of not less than three pages per credit-hour, with each page containing an average of 200 words;
- each course must have an appropriate examination; and
- instructors, conference leaders, lecturers and other presenters must meet the required qualifications.

A provider that is a corporation, company, or partnership must maintain good legal standing with the California Secretary of State during any term of course approval.

Approval applications

A continuing education course applicant must submit an application on the form provided by the Bureau of Real Estate ("Bureau") at least 90 days before the course's proposed commencement date. The application must include the following:

- if sponsoring entity is a corporation, either the filed articles of incorporation or certificate of qualification for an out-of-state corporation endorsed by the California Secretary of State;
- if sponsoring entity is a company or partnership, one of the following documents, issued by the California Secretary of State: Certificate of Qualification, Certificate of Registration, or Certificate of Good Standing;
- if the Sponsor is operating under a "doing business as" ("DBA") name, a Fictitious Business Name Statement that has been filed with the appropriate county recorder;
- a copyright authorization from the copyright holder specifying the material that may be used and to whom the authorization has been granted if copyrighted material will be used in a manner that would be in violation of the copyright laws;

- a "Consent to Service of Process" form, if the applicant is a non-resident of California;
- a "C.E. Instructor Certification" form for each live course offering;
- all instruction materials, student materials, textbooks, CDs, DVDs, audio/video cassettes, case studies, sample forms, incremental assessments, etc., to be used as part of the offering;
- if CDs are utilized during the course of instruction, a table of contents for each CD and, if the CD contains a textbook, copies of the text cover, publication page and table of contents;
- if DVDs or audio/visual cassettes are utilized, a course outline that has been keyed to the elapsed time for each topic and subtopic;
- a General Information Page that will be provided to the participant prior to registration that sets forth all requirements and policies that affect the participant's enrollment and completion of the course;
- a Course Outline with each topic and subtopic annotated with its allocated time in minutes;
- a Sample Course Completion Certificate; and
- the Final Exam or bank of questions with answer key that has been keyed to the course material.

If a course is a live educational seminar, conference or symposium that will not be offered more than annually in two locations covering subject material dealing with new or changing trends, concepts or innovations in areas relevant to the real estate industry, a cover letter shall be submitted identifying the course as a one-time offering and the first date it is to be offered.

Distance learning course approval

A correspondence course must contain "adequate study materials" to assure that a student cannot complete the course in less time than the number of hours for which it is approved.

A correspondence course offered via the internet in one or more aspects of the course offering must have a control method in place to protect the integrity of the exam, ensure by signed written statement of the participant that the participant enrolled is the person completing the course and ensure the course cannot be completed in less time than the approved credit hours by controlling the participant's navigation through the course content.

Incremental assessments must be required that are designed to measure a participant's mastery of the course content after each unit of instruction or chapter within a correspondence course, i.e. case studies, quizzes or other form of exercises. "Remediation to the participant shall be provided after each assessment has been completed."

The initial application for approval of a distance learning course must include the following:

- detailed statements addressing the method of control to protect the integrity of an exam administered via the internet;
- if the course is delivered via the internet, procedures controlling the participant's navigation through the course content to ensure the completion time is appropriate for the number of clock hours for which the course is approved;
- a copy of the written statement signed under penalty of perjury that the participant enrolled is the person completing the course;
- a copy of the incremental assessments to be utilized and a statement detailing the method of providing remediation to a participant;
- final examination instructions provided to the participant and proctor; and

- a certification to be executed by the proctor.

Advertising

Advertising and promotional material for a continuing education course must:

- not include "false or misleading statements or representations";
- classify the offering pursuant to § 10170.5(a) of the Code; and
- contain only the four-digit identification number assigned by the Department immediately following the words "DRE Sponsor No." The full eight digit course approval number may not be included in any advertisement.

Prior to the start of the course, the sponsor shall provide participants with the following disclaimer statement: "This course is approved for continuing education credit by the California Bureau of Real Estate. However, this approval does not constitute an endorsement of the views or opinions which are expressed by the course sponsor, instructors, authors or lecturers."

A sponsor or course instructor may not market, sell or display any product or service during a continuing education offering, including during breaks between instructional periods. This prohibition does not restrict marketing activities conducted outside the instruction room before or after the course or outside the instruction room during breaks.

Student records

A sponsor must maintain for five years an attendance record or registration and final examination grade for each participant. The record must be sufficient to allow the sponsor to prepare a duplicate certificate upon the participant's request.

Certificates of completion

Course sponsors must provide participants who successfully complete a course a certificate of completion within fifteen days. Certificates of completion must contain at least the following:

- the name and license number of the participant;
- a statement regarding meeting attendance and/or examination criteria;
- the name of the course offering as approved by the Department;
- the number of credit hours;
- the date of registration if a correspondence course;
- the date of successful completion;
- the category of the offering;
- the eight-digit Bureau of Real Estate approval number;
- the name, address and telephone number of the sponsor; and
- the printed name, signature and telephone number of the individual verifying the participant's completion of the course.

Other submissions

No specifically relevant provisions were located.

CONTENT

The Commissioner may not approve a proposed continuing education offering that meets the following criteria:

- the course does not address the subject matter areas set forth above;
- the course includes sales promotion;
- that portion of a course devoted to consuming meals or to transporting participants to and from sites;
- an offering for which the Commission has denied or withdrawn approval pursuant to § 3010; or
- an offering "substantially similar to and offered by the sponsor of an offering for which approval has been denied or withdrawn" pursuant to § 3010.

Any proposed material change in a course offering must be submitted for consideration and approval prior to use.

MATERIALS

A course sponsor must provide to each participant a written course outline that is a narrative of not less than three pages per credit-hour, with each page containing an average of 200 words.

A correspondence course must consist of adequate study materials to assure the course cannot be completed in less time than the number of hours for which it is approved.

A sponsor must notify each student that an evaluation form is available on the Bureau's Internet site for on-line course and instructor evaluation.

INSTRUCTOR QUALIFICATIONS

An instructor, conference leader, lecturer and others who present a continuing education requirement course must meet at least one of the following qualifications:

- a bachelor's degree in a field related to that in which the person is to teach from an institution of higher learning or from a comparable school in a foreign country;
- a valid teaching credential or certificate authorizing the holder to teach in the area covered in the offering;
- three years' full-time experience in the applicable field; or
- a combination of at least three years' full-time experience and college-level education in the applicable field.

The Commission may also approve instructors who meet the "criteria for approval or who otherwise evidence their teaching qualifications by education or experience or a combination of the two."

The Commission may not qualify an instructor who:

- does not meet the above criteria;
- has violated Article 25 of the regulations, relating to continuing education;

- has engaged in conduct that would have warranted a denial of an approval application or withdrawal of approval;
- has had his or her real estate license suspended, revoked or restricted by disciplinary action; or
- acted or conducted himself or herself in a manner that would have warranted the denial of his or her real estate license application.

PRIOR APPROVAL REQUIREMENTS

Approval timing

A sponsor must submit an approval application for a continuing education offering at least 90 days before the offering's proposed starting date.

Approval after class date

The Commissioner may act upon a petition for continuing education credit for completing a course that is not approved. The applicant must submit a petition that includes at least the following information:

- the course sponsor's or the school's name, address and telephone number;
- the course's title;
- the title, publisher and date of publication of any text or course material;
- the number of clock hours attended;

- any course outline or syllabus;
- a final grade report for the final examination; and
- a completion certificate.

If an offering was approved at the time the licensee registered, the licensee must receive credit even if that approval had expired and had not been renewed or reinstated at the time the applicant successfully completed the offering.

EXAMINATION

Examination requirements

All continuing education courses must include an "appropriate" final examination. The examination may be written or oral, and may be multiple choice, essay questions, or any other appropriate form. To pass the examination, a participant must achieve a percentage score of 70 percent or more. The examination may not be taken by course participants until completion of the instructional portion of the offering to which the examination applies.

The final examination shall provide the means by which a sponsor determines whether a participant has successfully completed the course offering. The course sponsor must take steps to protect the integrity of the examination by controlling access to the exam by the participant and to prevent cheating in an examination.

Final examinations may be administered as open or closed book but must be consistent for all participants. If an examination is open book, the participant may only refer to the instructional material approved for the course.

An offering may include a provision for one retake of the final exam by a participant who failed the original exam provided the questions of the re-examination are different from those asked in the original.

Participants taking a correspondence offering are limited to completion of final examinations for a course for a maximum of 15 credit hours during any one 24-hour period. Final examinations for a correspondence course may be administered via the internet provided that access is restricted to one-time. The examination cannot be printable or downloadable, and must time-out after the maximum amount of time authorized for completion has lapsed.

Proctors

Final examinations for a correspondence course may be administered by a proctor who is not related by blood, marriage, domestic partnership, or any other relationship (i.e. future employing broker) to the participant taking the examination which might reasonably influence them from properly administering the exam. The proctor must certify in writing that he or she has complied with all examination rules during the administration of the examination.

Participants may not take possession of the final examination outside of the "controlled environment under which the examination is administered."

Section 10170.5 amended 2015; § 10170.4 amended 1997; regulation 3007.2 adopted 2008; r. 3007, 3007.3, 3007.6, 3008, 3011.4, 3012.2 amended 2010, effective January 1, 2011; r. 3006 amended 2010; r. 3013 amended 1984; rr. 3006, 3007, 3007.2, 3007.6, 3013 amended 2014 without regulatory effect.

[Cal. Bus. & Prof. Code §§ 10170.4, .5 \(2018\)](#); [Cal. Code Regs. tit. 10, §§ 3006; 3006.1; 3007, 3007.2; 3007.3, 3007.6; 3008; 3011.4; 3012.2; 3013 \(2019\)](#)

California, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

California's continuing education requirements do not apply to a licensee who:

- has been licensed in good standing for 30 continuous years in California; and

- is 70 years of age or older.

A military licensee is not required to renew his or her license until the beginning of the license period that starts the earlier of the date:

- he or she again engages in business; or
- after one year following his or her termination of military service.

A military licensee is not entitled to this exemption if he or she receives a dishonorable discharge or voluntarily remains in the military service for more than seven years from the date of the required notification to the Commission.

The Commission may qualify some activities as an acceptable alternative to attendance at approved continuing education offering. The activity must include "either presentation, development, authorship or research of information and materials designed to contribute directly to assuring that licensees maintain a reasonable currency of knowledge as a basis for a level of real estate practice" as set forth in § 10170.4. Equivalent activities may include, but are not limited to, the following:

- attending courses that are not approved;
- instructing others in approved continuing education courses;
- instruction or presentation of "real estate related topics if the petitioner can demonstrate that the material conveyed contained reasonably current information designed to assist real estate licensees in providing a high level of consumer protection or service"; or
- authorship of published professional articles, periodicals or books on current real estate procedures and law.

The Commission must give a licensee who develops real estate education programs continuing education credit if the program would otherwise meet the requirements necessary for continuing education credit approval. A sole author or developer must be credited, upon approval, with two hours of continuing education credit for each hour of the program entitled to continuing education credit. Multiple authors and developers receive credit based on the percentage each author or developer contributed to the total offering.

A petition for equivalency for course instruction must meet the requirements set forth in r. 3011.1, which include, among other things,

- the petitioner's qualifications to teach the course;
- specified course information;
- the hours of instruction;
- an outline or syllabus for the course;
- information regarding instruction materials used; and
- a statement by the course sponsor or school that the petitioner taught the course.

Instructors of approved continuing education courses may receive a certificate of completion for one presentation of a course during its approval period.

A petitioner for equivalency for authorship of articles or books must submit:

- a copy of the published article or book;
- a statement that includes the article's or book's publication date and an explanation of how the published material meets the criteria of r. 3011;

- a statement of the number of hours the petitioner devoted to writing the book or article; and
- a statement of the period during which the book was written.

A petitioner for equivalency for developing real estate programs, laws and research must submit the information required by r. 3011.3, which generally includes the following:

- if the claim for continuing education credit is based on developing education programs, a statement including, among other things, a description of the education program, a description of the petitioner's role in the program's development, and other specified information; and
- if the claim involves developing real estate law or research, a statement including, among other things, a detailed description of the law affected or research performed, the number of hours devoted to the research or law, and a copy of the research report or law, if one exists, and other specified information.

An applicant submitting a petition for equivalency for attending an unapproved program must submit a petition that includes at least the following information:

- the course sponsor's or school's name, address and telephone number;
- the course's title;
- the title, publisher and publication date of any text or course material;
- the number of clock hours attended;

- any course outline or syllabus;
- a list of reading assignments, including page references;
- a final grade report for the final examination; and
- a completion certificate.

An applicant may obtain a time extension for completing the continuing education requirements by submitting, with his or her regular renewal application, evidence that he or she was unable to comply with the continuing education requirements. The evidence may include:

- health reasons preventing attendance;
- "active duty in the military service with assignment to a permanent duty station" outside California during the last 18 months of a license period; or
- another "compelling cause" beyond the applicant's control.

Required hours

The Commission may not renew a licensee's real estate license unless the renewal applicant has, during the four-year period before the renewal application, successfully completed 45 clock hours of education.

Minimum class length

A continuing education course must have at least one hour of instruction, based on 50 minute increments of actual instruction.

Subjects

For renewals *on or after July 1, 2011*, a broker must during the four-year period before he or she submits a renewal application complete 45 clock hours of approved continuing education consisting of the following:

- **either** 15 hours of continuing education courses in the following subjects: ethics, agency, trust fund handling, and fair housing; **or** one eight-hour survey course that covers the four mandatory subjects (ethics, agency, trust fund handling, and fair housing);
- at least 18 clock hours of consumer protection courses; and
- the remaining clock hours in either consumer service or consumer protection courses.

On or after January 1, 2016, a broker who is renewing for the first time, or who renews late on or after January 1, 2016, must complete a total of 45 clock hours of approved continuing education courses which includes:

- six separate three-hour courses in the following subjects: Ethics, Agency, Trust Fund Handling, Fair Housing, Risk Management and a course in Management and Supervision;
- at least 18 clock hours of consumer protection courses; and
- the remaining clock hours required to complete the 45-hour requirement in either consumer service or consumer protection courses.

For the second and all subsequent renewals after January 1, 2016, all licensed must complete a total of 45 clock hours which must include:

- one eight-hour survey course covering the six mandatory subjects (Ethics, Agency, Fair Housing, Trust Fund Handling, Risk Management, and Management and Supervision) or licensees may choose to take each of those subjects separately;

- at least 18 clock hours of consumer protection courses; and
- the remaining clock hours required to complete the 45-hour requirement in either consumer service or consumer protection courses.

The Commissioner may not approve a proposed continuing education offering that meets the following criteria:

- the course does not address the subject matter areas set forth above;
- the course is a sales promotion;
- that portion of a course devoted to consuming meals or transporting participants to and from sites;
- an offering for which the Commission has denied or withdrawn approval pursuant to § 3010; or
- an offering "substantially similar to and offered by the sponsor of an offering for which approval has been denied or withdrawn" pursuant to § 3010.

Attendance requirements

California law generally provides that, except for a correspondence course, participants must be physically present for at least 90% of the offering time, exclusive of the time allotted for the final examination.

Before being admitted to a live course or immediately before the administration of the final examination for a correspondence offering, a participant must show one of the following:

- a current California driver license;
- a current state identification card; or
- any identification of the participant issued by a governmental agency or a recognized real estate related trade organization within the preceding five years which bears a photograph, signature and identification number of the participant.

Online classes

A correspondence course must contain "adequate study materials" to assure that a student cannot complete the course in less time than the number of hours for which it is approved.

A correspondence course must also have a final examination that:

- tests or evaluates participants; and
- participants may not take until they have completed the instructional portion of the course.

A sponsor must act to protect the test's integrity and to prevent cheating.

Other requirements

All real estate broker licenses are issued for a four-year period. The licensee may renew his or her license by:

- filing the required application;
- paying the required fee; and
- complying with the state's continuing education requirements.

If a licensee fails to renew his or her license before its expiration date, he or she may renew it within two years of its expiration upon proper application and payment of a late renewal fee in an amount equal to one and one-half times the regular renewal fee.

If, on June 30 of any year, the Real Estate Fund Recovery Account balance is less than \$200,000, every licensed broker, when obtaining or renewing a broker license during the next four years, must pay an additional fee of \$7.

A licensee applying to renew a real estate license must submit his or her renewal application to the Department no more than 90 days before his or her license's expiration date.

The fees for a broker's license renewal are as follows:

- on-time renewals - \$300; and
- late (within two years of the license expiration date) - \$450.

A licensee or applicant who is named on a certified list or supplemental list pursuant to § 17520 of the Family Code must pay a special fee of \$95 each time his or her name is placed on the list.

ASSOCIATE BROKER REQUIREMENTS

No relevant provisions were located.

SALESPERSON REQUIREMENTS

Exemptions

The same exemptions apply to all real estate licensees. (See "BROKER REQUIREMENTS" above.) However, a salesperson who qualifies for a conditional license pursuant to § 10153.4 is not required to complete the continuing education requirements for the first license renewal.

Required hours

All real estate licensees are subject to the same continuing education requirements. (See "BROKER REQUIREMENTS" above.) However, see "Licensing Prerequisites" for educational requirements that apply to certain salespersons (who obtain a conditional license pursuant to § 10153.4) during their first year of licensure.

Minimum class length

All real estate continuing education courses are subject to the same minimum class length requirements. (See "BROKER REQUIREMENTS" above.)

Subjects

For renewals on or after July 1, 2011, a salesperson must complete 45 clock hours of approved continuing education consisting of the following:

- **either** 15 hours of continuing education courses in the following subjects: ethics, agency, trust fund handling, and fair housing; **or** one eight-hour survey course that covers the four mandatory subjects (ethics, agency, trust fund handling, and fair housing);
- at least 18 clock hours of consumer protection courses; and
- the remaining clock hours in either consumer service or consumer protection courses.

On or after January 1, 2016, a broker who is renewing for the first time, or who renews late on or after January 1, 2016, must complete a total of 45 clock hours of approved continuing education courses which includes:

- five separate three-hour courses in the following subjects: Ethics, Agency, Trust Fund Handling, Fair Housing, and Risk Management;
- at least 18 clock hours of consumer protection courses; and
- the remaining clock hours required to complete the 45-hour requirement, in either consumer service or consumer protection courses.

For the second and all subsequent renewals after January 1, 2016, all licensed must complete a total of 45 clock hours which must include:

- one eight-hour survey course covering the six mandatory subjects (Ethics, Agency, Fair Housing, Trust Fund Handling, Risk Management, and Management and Supervision) or licensees may choose to take each of those subjects separately;
- at least 18 clock hours of consumer protection courses; and
- the remaining clock hours required to complete the 45-hour requirement, in either consumer service or consumer protection courses.

Attendance requirements

All real estate licensees are subject to the same continuing education attendance requirements. (See "BROKER REQUIREMENTS" above.)

Online classes

All real estate continuing education courses are subject to the same distance or on-line class requirements. (See "BROKER REQUIREMENTS" above.)

Other requirements

The Commission issues a real estate salesperson license for a four-year period. The licensee may renew his or her license by:

- filing the required application;
- paying the required fee; and
- complying with the state's continuing education requirements.

If a licensee fails to renew his or her license before its expiration date, he or she may renew it within two years of that expiration upon proper application and payment of a late renewal fee in an amount equal to one and one-half times the regular renewal fee.

If, on June 30 of any year, the Real Estate Fund Recovery Account balance is less than \$200,000, every licensed salesperson, when obtaining or renewing his or her license during the next four years, must pay an additional fee of \$4.

A licensee applying to renew a real estate license must submit his or her renewal application to the Department no more than 90 days before his or her license's expiration date.

The following fees may apply to a license renewal:

- a salesperson's license fee of \$245; and
- a late salesperson's license renewal fee of \$367.

A licensee or applicant who is named on a certified or supplemental list pursuant to § 17520 of the Family Code must pay a special fee of \$95 each time his or her name is placed on the list.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Sections 10461 and 10462 amended 2012; § 10462 amended 1972; §§ 10153.7 and 10153.7 amended 1980; § 10470 amended 2013; § 10201 enacted 1993; § 10170.4 enacted 1997; § 10153.6 enacted 2002; § 10170.5 amended 2016; § 10153.4 amended 2007; § 10460 amended 2012; § 10170.5 amended 2008; regulation 3011.3 adopted 1984; r. 3012 amended 1986; r. 3011 amended 1995; r. 3011.2 amended 1996; r. 2710 amended 1999; r. 2716.5 amended 2006; r. 2716.1 amended 2009; r. 3006, 3007.05, 3011.1, and 3011.4 amended 2009; r. 2710, 3006, amended 2015 without regulatory effect.

[Cal. Bus. & Prof. Code §§ 10153.4, .6, .7; 10170.4, .5, .8; 10201; 10460; 10461; 10462; 10470 \(2018\); Cal. Code Regs. tit. 10, §§ 2710; 2716.1, .5; 3006; 3007.05; 3011; 3011.1, .2, .3, .4 \(2019\)](#)

California, Licensing Categories

BROKER

A "real estate broker" is a person who, "for a compensation or in expectation of a compensation, . . . does or negotiates to do one or more of the following acts for another":

- "[s]ells or offers to sell, buys or offers to buy, solicits prospective sellers or purchasers of, solicits or obtains listings of, or negotiates the purchase, sale or exchange of real property or a business opportunity";
- leases, rents or offers to lease or rent, "or places for rent, or solicits listings of places for rent, or solicits for prospective tenants";
- negotiates the "sale, purchase or exchanges" of real property leases or a business opportunity;
- collects rents from real property, improvements or business opportunities;
- "[a]ssists or offers to assist in filing an application for the purchase or lease of, or in locating or entering upon, lands owned by the state or federal government";
- "solicits borrowers or lenders for or negotiates loans or collects payments or performs services for borrowers or lenders or note owners in connection with loans" secured by a lien on real property or a business opportunity; or
- "[s]ells or offers to sell, buys or offers to buy, or exchanges or offers to exchange a real property sales contract, or a promissory note" secured by a lien on real property or a business opportunity, and performs services for the holders.

A "real estate broker" also includes a person who:

- "engages as a principal in the business of buying from, selling to, or exchanging with the public, real property sales contracts or promissory notes" secured by real property liens; or

- makes agreements to collect payments or to perform services in connection with real property sales contracts or promissory notes secured by a real property lien.

See r. 10131.1 for detailed definitions of "in the business," "sale," "resale," and "exchange," as used in this context.

A "broker" also includes a person who:

- engages in the "business of claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee" in connection with promoting the sale or lease of real property or a business opportunity;
- for another or others and for compensation "issues or sells, solicits prospective sellers or purchasers of, solicits or obtains listings of, or negotiates the purchase, sale, or exchange of securities," except for a broker-dealer, or his or her agent, who is licensed under the Corporate Securities Law of 1968; or
- acts for another or others and for compensation to deal in the purchase, sale, or exchange of mineral, oil, or gas property or other specified acts related to mineral, oil, or gas property.

ASSOCIATE BROKER

No relevant provisions were located.

SALESPERSON

A "real estate salesman" is a natural person who, for a compensation or in expectation of a compensation, is retained by a real estate broker to do one or more of the acts" set forth above. Whenever the word "salesman" is used in the real estate statutes or regulations, it means salesperson. A licensee may elect to refer to his or her licensed status as real estate salesperson, real estate saleswoman or real estate salesman.

"Retained" means the relationship between a broker and a licensee who is either an independent contractor affiliated with, or an employee of, a broker to perform activities that require a license and are performed under a broker's supervision."

SPECIALIST CATEGORIES

Prepaid renting listing service licensee

A "prepaid rental listing service" is "the business of supplying prospective tenants with listings of residential real properties for tenancy . . . pursuant to an arrangement under which the prospective tenants are required to pay" a fee:

- "specifically to obtain listings"; or
- to "purchase any other product or service in order to obtain listings," but not the negotiation of rentals by the person conducting the service.

"Prepaid rental listing service" does not include the business of providing roommate referral information.

Mineral, oil, and gas brokers

Generally, a person may not engage in any of the following acts for another and for compensation unless the person is licensed as a mineral, oil, and gas broker or a real estate broker:

- "sell or offer for sale, buy or offer to buy, solicit prospective sellers or purchasers, solicit or obtain listings, or negotiate the purchase, sale, or exchange of mineral, oil, or gas property";
- solicit borrowers or lenders or negotiate loans on mineral, oil, or gas property, or collect payments in connection with these loans;
- "lease or offer to lease or negotiate the sale, purchase, or exchange of leases on mineral, oil, or gas property";
- "rent or place for rent, mineral, oil, or gas property";

- "collect rent or royalties from mineral, oil, or gas property or improvements thereon"; or
- other than as an officer or employee of the state or federal government, "assist or offer to assist another or others in filing an application for the purchase or lease of, or to locate or enter upon mineral, oil, or gas property owned by the state or federal government."

Mobilehome dealer

A licensed real estate broker may deal in manufactured homes or mobilehomes only if the manufactured home or mobilehome has been registered. A broker who engages in those activities may not maintain any place of business where two or more manufactured homes or mobilehomes are displayed and offered for sale, unless the broker is also licensed as a mobilehome dealer. A "mobilehome" is a "structure transportable in one or more sections, designed and equipped to contain not more than two dwelling units to be used with or without a foundation system." A "manufactured home" is "a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation . . ." The terms do not include a recreational vehicle or factory-built housing.

Mortgage loan originator

Effective January 1, 2011, brokers or salespersons must obtain a license endorsement to act as mortgage loan originators. A mortgage loan originator is defined as "an individual who takes a residential mortgage loan application or offers or negotiates terms of a residential mortgage loan for compensation or gain."

Sections 10012, 10013 and 10016 amended 2016; § 10131.45 enacted 1993; § 10132 repealed 2018; § 10167 amended 2000; § 10166.01 amended 2010; § 10131.2 amended 1966; § 10131.3 amended 2019; § 10131 amended 2018; § 10131.01 amended 2013; § 10131.4 enacted 1993; § 10131.1 amended 2007; § 10131.6 amended 2010; § 10500 amended 1993; § 10018.01 enacted 2018.

[Cal. Bus. & Prof. Code §§ 10012, 10013, 10016, 10018.01](#) ; [10131, 10131.1, .01, .2, .3, .4, .45, .6; 10166.01; 10167; 10500 \(2018\)](#)

California, Licensing Exemptions

Unless used to evade California's licensing provisions, the acts described in § 10131 do not require a license if performed by:

- an officer of a corporation or a general partner of a partnership with respect to real property owned or leased by the corporation or partnership, or in connection with the proposed purchase or lease of real property, provided the officer or the partner does not expect special compensation;
- a person acting under a power of attorney from a real property owner with respect to which the acts are performed;
- an attorney-at-law rendering legal services to a client;
- a receiver, bankruptcy trustee or other person acting under court order; or
- a trustee for the beneficiary of a deed of trust, selling under its authority.

Sections 10131(d) and (e), § 10131.1, article 5 (beginning with § 10230) and article 7 (beginning with § 10240) do not apply to the following:

- a person or his or her employee doing business under any state or federal law relating to specified financial institutions pension trusts or insurance companies;
- a nonprofit cooperative association loaning or advancing money;
- an entity engaged "exclusively in the business of marketing agricultural, horticultural, viticultural, dairy, livestock, poultry, or bee products on a cooperative nonprofit basis, in loaning or advancing money to the members thereof or in connection with any business of that type";

- a corporation securing money or credit from a federal intermediate credit bank organized or existing under the Agricultural Credits Act of 1923;
- a person licensed to practice law in California, who is not "actively and principally engaged in the business of negotiating loans secured by real property, when that person renders services in the course of his or her practice as an attorney at law";
- a person licensed as a finance lender and acting as such;
- an authorized cemetery authority;
- a person authorized by a savings institution to act as its agent;
- a licensed securities broker or securities dealer or his or her employee, officer or agent, provided the person is acting within the authority granted by that license "in connection with a transaction involving the offer, sale, purchase, or exchange of a security representing an ownership interest in a pool of promissory notes" secured by real property liens, which transaction is subject to state or federal securities laws;
- an organization approved by the U.S. Department of Housing and Urban Development to provide counseling services, when the services are provided without cost to the borrower and are in connection with modification of a loan secured directly or collaterally by a lien on residential real property containing four or fewer dwelling units.
- a licensed residential mortgage lender or servicer, acting as such.

See § 10133.1(b) for persons who are exempt from the provisions of § 10131(d) and (e) or § 10131.1 with respect to collecting "payments or performance of services for lenders or on notes of owners in connection with loans" secured by real property liens. Section 10131(d) does not apply to a broker's employee who "assists the broker in meeting the broker's obligations to its customers in residential mortgage loan transactions," where the lender is an institutional lender, provided the

employee does not participate in any negotiations occurring between the principals.

The provisions of § 10131 do not apply to:

- a stenographer, bookkeeper, receptionist, telephone operator or other clerical help; or
- a person or entity that for another "sells or offers to sell, solicits prospective sellers or purchasers of, solicits or obtains listings of, advertises for sale, buys or offers to buy, or negotiates the purchase, sale, or exchange" of licensed and regulated radio, television, or cable enterprises, which "purchase, sale, or exchange is not in substance a transfer of real property."

See § 10133.35 for a detailed list of activities regarding mineral, oil or gas property for which a real estate broker's license is not required.

See § 10133.4 for details regarding exemptions related to film location representatives.

Section 10131(b), which addresses broker leasing, does not apply to the following:

- a hotel, motel, or auto or trailer park manager or his or her employees;
- a resident manager of an apartment building, apartment complex, or court, or his or her employees;
- a person or entity who, on behalf of another, "solicits or arranges, or accepts reservations or money," for "transient occupancies" in a dwelling unit in a common interest development, an apartment building or complex, or a single-family home; or
- a "person other than the resident manager or employees of that manager," who performs those specified functions set forth in § 10131.01(a), which include, among others, showing rental units to prospective tenants, providing or accepting preprinted rental applications, providing information about rental rates and accepting signed leases and rental agreements.

The provisions of article 5 (beginning with § 10230) do not apply to "an approved lender, mortgagee, seller, or servicer for the Federal Housing Administration, United States Department of Veterans Affairs, Farmers Home Administration, Government National Mortgage Association, Federal National Mortgage Association, or Federal Home Loan Mortgage Corporation, when making loans to be sold to, or when servicing loans on behalf of and subject to audit by, any of the foregoing with respect to those loans."

Section 10133.2 amended 2018; § 10133 amended 1985; § 10133.35 enacted 1987; § 10133.3 enacted 1990; § 10133.4 enacted 1992; §§ 10133.15 and 10133.5 enacted 1998; § 10131.01 amended 2013; § 10133.1 amended 2018.

[Cal. Bus. & Prof. Code §§ 10131.01; 10133; 10133.1, .15, .2, .3, .35, .4, .5 \(2018\)](#)

California, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A broker's license applicant must successfully complete the following at an accredited institution:

- a three-semester unit course (or its quarter equivalent) in each of the following: real estate practice, legal aspects of real estate, appraisal, real estate financing and real estate economics or accounting; and
- a three-semester unit course (or its quarter equivalent) in three of the following: advanced legal aspects of real estate, advanced real estate finance, advanced appraisal, business law, escrows, real estate principles, property management, real estate office administration, mortgage loan brokering and lending, computer applications in real estate, or common interest developments.

Service in "lower" category

An applicant for a broker's license must demonstrate to the Commissioner that "he or she has held a real estate salesperson's license for at least two years and qualified for the renewal of his or her real estate salesperson status, within the five-year period immediately prior to the date of his or her application for the broker's license, and during such time was actively engaged in the business

of real estate."

Waiver of qualifications for some professionals

Upon an applicant's petition, the Commissioner may treat a degree from a four-year college or university, which course of study included a major or minor in real estate, as the equivalent of two years' general real estate experience.

Membership in the California State Bar alone does not satisfy the two-year experience requirement for a broker's license, but attorneys who can demonstrate that they have at least two years real estate related experience while practicing law in California do satisfy the requirement.

The Commissioner must waive the education requirements:

- for an applicant who is a member of the State Bar of California; and
- "for which an applicant has successfully completed an equivalent course of study" as determined pursuant § 10153.5.

Annual fees and filings

All real estate broker licenses are issued for a four-year period. The licensee may renew his or her license by:

- filing the required application;
- paying the required fee; and
- complying with the state's continuing education requirements.

If a licensee fails to renew his or her license before its expiration date, he or she may renew it within two years of that date upon proper application and payment of a late renewal fee in an amount equal to one and one-half times the regular renewal fee.

If, on June 30 of any year, the Real Estate Fund Recovery Account balance is less than \$200,000, every licensed broker, when obtaining or renewing a broker license during the next four years, must pay an additional fee of \$7.

A licensee applying to renew a real estate license must submit his or her renewal application to the Department no more than 90 days before his or her license's expiration date.

Effective May, 2009, the following fees may apply to a license renewal:

- a broker's license fee of \$300; and
- a broker's license late renewal fee of \$450.

A licensee or applicant who is named on a certified or supplemental list pursuant to § 17520 of the Family Code must pay a special fee of \$95 each time his or her name is placed on the list.

Applicant investigation

The Commissioner may require any proof he or she "may deem advisable concerning the honesty and truthfulness" of an applicant or of the officers, directors or persons owning more than 10 percent of the stock of any corporate applicant.

Every original applicant must be fingerprinted before issuing a license. An original license applicant may submit his or her fingerprints with the application to take the license examination, any time after submitting the application to take the license examination or with the license application. The Bureau may deny the issuance of a license to an applicant if he or she has been convicted of a substantially related crime.

An applicant must disclose any misdemeanor or felony criminal convictions and whether he or she has had a license in California or any other state denied, suspended, restricted or revoked, along with any pending criminal charges against them.

Examinations

The Commissioner must determine by written examination that an applicant, and in case of a

corporate applicant for a broker's license, that each officer or agent through whom it proposes to act, has all of the following:

- an "appropriate knowledge" of the English language and of arithmetic computations common to real estate and business practices;
- an understanding of the "principles of real estate and business opportunity conveyancing, the general purposes and general legal effect of agency contracts, deposit receipts, deeds, mortgages, deeds of trust, chattel mortgages, bills of sale, land contracts of sale and leases, and of the principles of business and land economics and appraisals"; and
- an understanding of the obligations between principal and agent, the principles of real estate and business opportunity practice, the canons of business ethics, and the relevant statutes and regulations.

If a real estate license applicant fails the qualifying examination, he or she may apply for reexamination by filing the appropriate application and fee during the two-year period following the examination application's filing date.

A person who has qualified by examination for a real estate license must file the required license application and fee within one year.

Other prerequisites

A broker's license examination application must be accompanied by the broker license examination fee of \$95.

A broker's license application must be made in writing to the Commissioner and be accompanied by the appropriate fee. The broker's license fee is \$300.

See Cal. Admin. Code tit. 10, § 2718 for additional provisions that apply to aliens.

A real estate broker license applicant must be 18 years of age.

Corporate and other entity's licenses

"Each officer of a corporation through whom it is licensed to act as a real estate broker need not be a licensed real estate broker, but if not, is licensed only to act as such for and on behalf of the

corporation as an officer." A designated corporate officer who has a separate individual license may conduct licensed activity for another entity if the entity for which he or she acts is clearly disclosed to any member of the public using his or her services outside the corporation.

When a corporation wishes to act as a real estate broker, it must be licensed by the Department through qualified broker-officers, who have either passed the broker license examination and are now qualified to obtain a license, or who are currently licensed as real estate brokers. "An officer of a corporation through whom it is licensed to act need not maintain an individual broker's license, but is otherwise subject to all duties and responsibilities of a licensed broker."

A person applying for a license under a fictitious business name must file with his or her application a certified copy of any fictitious business name statement filed with the county clerk.

If a broker's license applicant maintains more than one place of business in California, he or she must obtain an additional license for each branch office.

A broker's license applicant for a domestic corporation must submit with the application, a "Certificate of Status (Domestic Corporation)" executed no more than 30 days before mailing or delivering the application. However, if the applicant is a domestic corporation that filed its original Articles of Incorporation no more than six months before mailing or delivering the application, Articles of Incorporation executed by the California Secretary of State may be submitted for the Certificate of Status.

A broker's license applicant for a foreign corporation must submit with its application, a "Certificate of Qualification or a Certificate of Good Standing (Foreign Corporation)" executed no more than 30 days before mailing or delivering the application.

The designated officer must file a "background statement of information for each director, the chief executive officer, the president, first level vice presidents, secretary, chief financial officer, subordinate officers with responsibility for forming policy of the corporation and all natural persons owning or controlling more than ten percent of its shares," if the person has:

- received an order or judgment during the preceding 10 years restraining or enjoining any business conduct, practice or employment;
- had a real estate or other regulated professional license denied, suspended or revoked during the preceding 10 years;
- engaged in acts requiring a real estate license without a valid license or permit during the preceding 10 years, which acts have been enjoined; or

- been convicted of a crime that is substantially related to the qualifications, functions or duties of a licensee (excluding drunk driving, reckless driving and speeding violations).

ASSOCIATE BROKER QUALIFICATIONS

No relevant provisions were located.

SALESPERSON QUALIFICATIONS

Education

A salesperson's license applicant must show proof of having taken the following three courses before taking the state exam: Real Estate Principles, Real Estate Practice, and one other course from a designated list. The 18-month conditional salesperson's license is no longer available.

More specifically, pursuant to § 10153.3, an application for the salesperson license examination or for both the examination and license must include satisfactory evidence or certification of successful completion at an accredited institution of the following:

- in order to take the examination, a three-semester unit course (or its quarter equivalent) or successful completion of an equivalent course of study in real estate principles; and
- in order to obtain a license, a course in real estate practice and one additional course, as set forth in § 10153.2, "other than real estate principles, real estate practice, advanced legal aspects of real estate, advanced real estate finance, or advanced real estate appraisal." The applicant must provide the Commissioner with this evidence or certification before he or she takes the real estate salesperson license examination.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

The Commission may waive the education requirements for an applicant who is a member of the State Bar of California. It also must waive:

- the education requirements of § 10153.3 "for which an applicant has successfully completed an equivalent course of study" as determined pursuant § 10153.5, or for an applicant who has qualified to take the broker's license examination by satisfying the requirements of § 10153.2; and
- the education requirements of § 10153.4 "for any course for which an applicant has completed an equivalent course of study" as determined pursuant to § 10153.5.

Annual fees and filings

A real estate salesperson license is issued for a four-year period. A licensee may renew his or her license by:

- filing the required application;
- paying the required fee; and
- complying with the state's continuing education requirements.

If a licensee fails to renew his or her license before its expiration date, he or she may renew it within two years of that date upon proper application and payment of a late renewal fee in an amount equal to one and one-half times the regular renewal fee.

If, on June 30 of any year, the Real Estate Fund Recovery Account balance is less than \$200,000, every licensed salesperson, when obtaining or renewing his or her license during the next four years, must pay an additional fee of \$4.

A licensee applying to renew a real estate license must submit his or her renewal application to the Department no more than 90 days before his or her license's expiration date.

The following fees may apply to a license renewal:

- a salesperson's license renewal fee of \$245; and

- the salesperson's license late renewal fee of \$367.

A licensee or applicant who is named on a certified or supplemental list pursuant to § 17520 of the Family Code must pay a special fee of \$95 for each time his or her name is placed on the list.

Applicant investigation

All real estate licensees are subject to the same applicant investigation provisions. (See "BROKER REQUIREMENTS" above.)

Examinations

All real estate licensees are subject to the same examination provisions. (See "BROKER REQUIREMENTS" above.)

Other prerequisites

An application for a salesperson's license examination must be made in writing to the Commissioner and be accompanied by the license examination fee of \$60. The fee for a salesperson's license is \$245, except that for an applicant qualifying pursuant to § 10153.4, who has not satisfied all of the educational requirements before the Commission issues his or her license, the fee is \$275.

The Commission may not issue a real estate salesperson's license to a person who has not attained the age of 18 years.

SPECIALIST QUALIFICATIONS

Prepaid rental listing service

A person may not engage in the "business of a prepaid rental listing service unless licensed in that capacity or unless licensed as a real estate broker." The following requirements apply only to the "provision of listings of residential real properties for tenancy by prepaid rental listing services."

Education

No specifically applicable provisions were located.

Service in "lower" category

No specifically applicable provisions were located.

Waiver of qualifications for some professionals

A broker may provide a prepaid rental listing service at his or her licensed brokerage office "if the business at the office is conducted under the immediate supervision of the broker or of a real estate salesperson licensed to, and acting on behalf of, the broker."

The provisions do not apply to a newspaper of general circulation.

Annual fees and filings

The Department issues a prepaid rental listing service license for a two-year period. A licensee must file a renewal application and fee before midnight of the last day of the period for which a previous license was issued.

Applicant investigation

The Commissioner may require proof concerning the honesty and truthfulness of:

- an applicant for a prepaid rental listing service license;
- the applicant's designated agents;
- the officers, directors and any persons owning 25 percent or more of the shares of any corporation submitting an application; and
- a "person owning or controlling a beneficial ownership interest of 25 percent or more in the entity making application before authorizing the issuance of a license for a location."

For this purpose, the commissioner may hold a hearing and may refuse to issue a license to an applicant who does not furnish "satisfactory proof of his or her honesty and truthfulness or of the honesty and truthfulness of the corporate officers, directors, and shareholders." To assist in this determination, the Commissioner requires the fingerprinting of every original applicant including "designated agents, officers, directors, and persons owning 25 percent or more of the shares" of a corporate applicant.

Examinations

No specifically relevant provisions were located.

Other prerequisites

A service must submit a separate application for a license as a prepaid rental listing service for each location to be operated by a licensee other than a real estate broker. Each application must be:

- on a form provided by the Department;
- signed by the applicant; and
- accompanied by a \$100 application fee for the first location, and a \$25 application fee for each additional location.

Except as otherwise provided, each licensee must provide and maintain a bond in the amount of \$10,000 for each location. This requirement does not apply to a prepaid rental listing service operated by the following:

- a person exempt from paying federal and state income taxes;
- an agency of the federal, state or local government; or
- a "real estate broker conducting a prepaid rental listing service pursuant to a real estate license."

Mineral oil and gas broker

Mineral, oil, and gas brokers performing acts that require a mineral, oil and gas broker license are subject to the provisions that apply to real estate brokers that are set forth in §§ 10153.6, 10156.2, 10157, 10159, 10159.2, 10159.5, 10161.5, 10161.75, 10162, 10163, and 10165. However, mineral, oil, and gas brokers are not subject to any of the provisions that impose continuing education requirements.

Mortgage loan originator

Education

An applicant for a mortgage loan originator endorsement must complete at least 20 hours of education courses, including at least the following:

- three hours of federal law and regulations;
- three hours of ethics, which must include instruction on fraud, consumer protection, and fair lending issues; and
- two hours of training related to lending standards for the nontraditional mortgage product marketplace.

Education courses are acceptable only if they have been reviewed and approved, or otherwise deemed acceptable, by the Nationwide Mortgage Licensing System and Registry.

Service in "lower" category

No specifically applicable provisions were located.

Waiver of qualifications for some professionals

A person who has successfully completed the education requirements approved by the Nationwide Mortgage Licensing System and Registry in a state other than California will be granted credit toward completion of the California education requirements.

Annual fees and filings

A mortgage loan originator must complete at least eight hours of continuing education annually. The eight hours must include at least three hours relating to federal law and regulations, two hours of ethics, including instruction on fraud, consumer protection, and fair lending issues, and two hours related to lending standards for the nontraditional mortgage product marketplace. The eight hour requirement is in addition to other continuing education requirements.

Continuing education courses and course providers will be reviewed and approved by the Real Estate Commissioner and the Nationwide Mortgage Licensing System and Registry.

A real estate broker who acts as a mortgage loan originator, and who makes, arranges, or services one or more loans in a calendar year that are secured by real property containing one to four residential units, must file a business activities report every year. The report must contain details regarding the broker's real estate brokerage and mortgage origination activities, as well as information regarding business activities under other licenses (e.g. finance lender).

Applicant investigation

Every applicant must furnish to the Nationwide Mortgage Licensing System (NMLS) and Registry information concerning the applicant's identity, including the following:

- fingerprint images and related information, for purposes of performing a federal, or both a state and federal, criminal history background check;
- personal history and experience;
- authorization for the NMLS and the Real Estate Commissioner to obtain both of the following:
- an independent credit report from a consumer reporting agency; and

- information related to any administrative, civil, or criminal findings by any governmental jurisdiction.

A license endorsement will not be issued unless the Real Estate Commissioner makes all of the following findings:

- the applicant has never had a mortgage loan originator license revoked in any governmental jurisdiction;
- the applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court, either during the seven year period preceding the date of the application, or at any time preceding the date of application, if the felony involved an act of fraud, dishonesty, a breach of trust, or money laundering;
- the applicant has demonstrated such financial responsibility, character, and general fitness as to command the confidence of the community and warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently; and
- the applicant has complied with the education and written testing requirements.

Examinations

Before being issued a license endorsement to act as a mortgage loan originator, an applicant must pass a qualified written test developed or otherwise deemed acceptable by the Nationwide Mortgage Licensing System and Registry and administered by a test provider approved or otherwise deemed acceptable by the Nationwide Mortgage Licensing System and Registry. The test must adequately measure the applicant's knowledge and comprehension in the following subject areas:

- ethics;
- federal and state law and regulation pertaining to mortgage origination; and

- federal and state law and regulation relating to fraud, consumer protection, the nontraditional mortgage marketplace, and fair lending issues.

The minimum passing score on the examination is 75 percent.

Other prerequisites

Application for a mortgage loan originator endorsement is made through the Nationwide Mortgage Licensing System and Registry System (NMLS). The NMLS collects the application and examination fees.

Section 10163 enacted 1943; § 10201.6 enacted 1965; §§ 10158 and 10159 amended 2018; § 10153.8 amended 1968; § 10159.5 amended 2015; § 10150.6 amended 2012; § 10153.7 amended 1980; §§ 10167.1 and 10167.13 enacted 1980; § 10153 amended 1981; §§ 10153.2, 10166.07, 10167.3, 10470 amended 2013; § 10167.4 amended 1987; §§ 10201, 10500 and 10515 amended 1993; §§ 10208.5 and 10213.5 amended 1997; § 10167.7 enacted 2000; § 10167.2 amended 2001; § 10153.6 amended 2002; § 10152 amended 2012; §§ 10210, 10215 and 10226.5 amended 2004; §§ 10166.04 and 10166.10 enacted 2009; § 10166.05 amended 2011; § 10166.06 amended 2012; § 10166.07 amended 2013; §§ 10153.3 and 10153.4 amended 2006; §§ 10150 and 10151 amended 2014; regulation 2720 adopted 1972; r. 2746 amended 1997; r. 2718 amended 2000; r. 2712 adopted 2005; r. 2716.5 and 2742 amended 2006; r. 2716.1 amended 2009; r. 2750 amended 2010; r. 2742, 2746 amended 2015 without regulatory effect.

[Cal. Bus. & Prof. Code §§ 10150; 10150.6; 10151; 10152; 10153; 10153.2, .3, .4, .6, .7, .8; 10158; 10159; 10159.5; 10163; 10166.04, .05, .06, .07, .10; 10167.1, .2, .3, .4, .7, .8, .13; 10201; 10201.6; 10208.5; 10210; 10213.5; 10215; 10226.5; 10470; 10500; 10515 \(2018\); Cal. Code Regs. tit. 10, §§ 2712; 2716.1, .5; 2718; 2720; 2742; 2746; 2750 \(2019\)](#)

Colorado

Colorado, Continuing Education Approval

PROVIDER

General requirements

The [Colorado Real Estate Commission](#) ("Commission") will not accept a provider's course offering unless the provider has been granted a certificate of approval by the Colorado Department of Higher Education, Division of Private Occupational Schools or is exempt.

The following educational institutions and services, among others, are exempt:

- certain nonprofit schools that are exempt from general property taxation;
- a school "offering education solely avocational, supplementary, or ancillary in nature";
- certain colleges or universities;
- a school "offering only educational services for which no money or other consideration is paid";
- education "offered by a bona fide trade, business, professional, or fraternal organization solely for that organization's membership";
- educational, continuing education and training programs offered or conducted by certain exempt organizations; and
- an accredited private educational institution that confers post-graduate degrees and "that offers programs or courses that are not defined as occupational education."

The following courses, subject to all other applicable provisions and provided they are within the permitted topic areas, are acceptable for elective continuing education credit without Commission pre-approval:

- courses offered by accredited colleges, universities, community or junior colleges, public or parochial schools or government agencies;
- courses developed and offered by quasi-governmental agencies;
- courses that another occupational licensing authority has approved and that a licensee takes in satisfaction of the other occupation's education requirements; and
- real property law courses by a provider approved by the Colorado Board of Continuing Legal and Judicial Education.

The following continuing education courses must receive Commission approval prior to being offered:

- courses offered by national, state or local Realtor® Associations;
- currently approved courses that are affected by any substantive changes;
- courses offered by employing brokers to their employed brokers;
- courses offered by providers that are exempt ;
- courses offered by proprietary real estate schools approved as out-of-state providers by the Colorado Department of Private Occupational Schools and not approved under Rule B-6;
- courses offered by any provider proposing to offer courses on subjects not listed in § 12-10-213; and

- courses offered by proprietary real estate schools approved by the Colorado Department of Private Occupational Schools.

Approval applications

A continuing education provider that is required to obtain the Commission's course approval must submit an application on the Commission-provided form at least 30 days before the proposed class dates.

Distance learning course approval

A provider may offer all continuing education courses by distance learning, which includes "courses outside the traditional classroom setting in which the instructor and learner are separated by distance and/or time." Distance learning continuing education course providers must submit to the Commission evidence that the delivery method and course structure are "consistent with acceptable education standards assuring that the desired learning objectives are met." The Commission will approve delivery methods certified by the Association of Real Estate License Law Officials ("ARELLO") or by "a substantially equivalent authority and method."

Advertising

An approved provider must submit to the Commission a "copy of advertising or promotional material used to announce the offering."

Student records

An approved provider must retain copies of course outlines or syllabi and complete attendance records for a four-year period.

Certificates of completion

A Colorado licensed broker must obtain from a provider evidence of course completion "in the form of an affidavit, certificate or official transcript of the course." The documentation must include:

- the licensee's name;
- the course's subject, content, duration and date; and

- the provider's authentication.

Licensees must retain proof of continuing education course completion for four years and must provide it to the Commission upon request.

Other submissions

Continuing education providers that are required to have Commission course approval must submit the following at least 30 days before the proposed class dates:

- the Commission-provided application form;
- a "detailed course outline or syllabus, including the intended learning outcomes, the course objectives and the approximate time allocated for each topic";
- a copy of the course exam and the instructor's answer sheet, and, if no exam is required, the criteria used to evaluate successful completion of the course objectives;
- a copy of the instructor's teaching credentials or resume;
- a copy of the offering's advertising or promotional material; and
- upon the Commission's request, a copy of the textbook, manual, audio or videotapes or other instructional material.

CONTENT

The Commission develops twelve credit hours designed to assure a licensee's reasonable currency of real estate knowledge. Those hours include an update of the current statutes and rules that affect a real estate practice. A licensee may receive continuing education credit for a course pursuant to Rule 260 of the Colorado rules of civil procedure (regarding mandatory continuing

legal education requirements) if the course concerns real property law.

Continuing education instruction must be in one or more of the following subjects:

- real estate law;
- property exchanges;
- real estate contracts, finance, appraisal, closings or ethics;
- condominiums and cooperatives;
- time-sharing;
- real estate marketing principles;
- construction or land development;
- energy concerns;
- geology;
- water and waste management;
- commercial real estate;

- real estate securities and syndications;
- property management;
- "real estate computer principles";
- brokerage administration and management;
- agency; and
- any other Commission-approved subject matter.

The following do not qualify for continuing education credit:

- "sales or marketing meetings conducted in the general course of a real estate brokerage practice";
- "orientation, personal growth, self-improvement, self-promotion or marketing sessions";
- motivational meetings; or
- examination preparation or technique courses.

The Division of Real Estate must develop and present the four-hour "Annual Commission Update" course and furnish it without charge to approved providers. Providers and instructors must present the course "without additional development."

A course must be at least one hour in length, consisting of at least 50 instructional minutes per hour.

MATERIALS

Continuing education providers that are required to have Commission course approval must submit a detailed course outline or syllabus that includes:

- the "intended learning outcomes";
- the course objectives; and
- the approximate time allocated to each topic.

Upon the Commission's request, the provider must submit a copy of "textbook, manual, audio or videotapes, or other instructional material."

INSTRUCTOR QUALIFICATIONS

Continuing education providers that are required to have Commission course approval must submit a copy of the instructor's teaching credentials or a resume showing "education and experience which evidence mastery of the material to be presented."

PRIOR APPROVAL REQUIREMENTS

Approval timing

A continuing education provider that is required to obtain the Commission's course approval must submit an application on the Commission-provided form and other required information at least 30 days before the proposed class dates.

Course approval is for a three-year period, except that an annual or one-time seminar or conference offering may be approved for a specific dates or dates.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

Pursuant to § 12-10-215, the successful completion of the Commission's eight-hour course designed to assure reasonable currency of licensees' real estate knowledge requires "satisfactory passage of a written examination or written examinations of the materials covered." The Commission must audit those examinations to "verify their accuracy and the validity of the grades given." The Commission sets the standards required for passing the examination.

For courses for which continuing education providers are required to obtain the Commission's course approval, the provider must submit a copy of the course exam and the instructor's answer sheet. If the course does not have an exam, the provider must submit the criteria used to evaluate successful completion of the course objectives.

Proctors

No relevant provisions were located.

Section 12-10-215 renumbered 2019; all rules reformatted, reorganized and renumbered effective January 1, 2020.

Colo. Rev. Stat. § 12-10-215 (LexisNexis 2019); 4 Colo. Code Regs. 725-1 rr. 1.18, 4.4, 4.5, 4.6, 4.7 (2019)

[Colorado, Continuing Education Requirements](#)

BROKER REQUIREMENTS

A licensed broker must satisfy the continuing education requirement before applying to renew an active license, to activate an inactive license or reinstate an expired license to active status.

Exemptions

A licensee may receive continuing education credit for a course taken pursuant to Rule 260 of the Colorado Rules of Civil Procedure (regarding mandatory legal education requirements) if the course concerns real property law.

A licensed broker may satisfy the entire continuing education requirement by passing the Colorado portion of the licensing exam.

An instructor may "receive credit for classroom teaching hours once per course taught per year."

Required hours

A licensee applying to renew his or her license must:

- pass, during the previous three years, the Colorado portion of the real estate exam; or
- complete at least 24 hours of credit, twelve of which must consist of the Commission-developed update credits.

Note that for licensees applying for renewal of a license that expires less than three years after it was issued, a renewing licensee must pass within the license period the Colorado portion of the real estate exam or complete a minimum of 24 hours of credit, at least eight of which must be the credits developed by the Commission.

A licensed broker may satisfy the entire continuing education requirement by:

- completing the required twelve hours in annual four-hour increments developed by the Commission, which are entitled "Annual Commission Update Course," and completing an additional 12 hours of elective credit hours to meet the 24-hour total continuing education requirement during the licensing period;
- completing the Commission-approved 24-hour "Broker Reactivation" course, if: (a) the licensee is currently active and did not use this course to satisfy continuing education requirements the previous year; or (b) the licensee is inactive or expired for up to 36 months prior to activating an inactive license or reinstating an expired license and unable to comply with the above general method of satisfying the education requirements;
- passing the Colorado portion of the licensing exam; or

- completing 72 total hours of pre-licensure education concerning the understanding and preparation of Colorado real estate contracts (48 hours) and real estate closings (24 hours) during the license period.

A broker may not take the same version of the Annual Update course more than once during each license period. If a licensee completes more than 12 hours of the Annual Update course in one licensing period, he or she will receive elective credit hours for any additional hours.

The Division of Real Estate must develop and present the four-hour "Annual Commission Update" course and furnish it without charge to approved providers. The provider and instructor must present the course "without additional development."

A licensed broker must complete the "Annual Commission Update" course by achieving a passing score of 70% on a written or on-line Commission-developed course examination. "The Commission shall provide multiple course examinations for successive use by licensed brokers failing the end-of-course examination."

A licensee:

- may earn a maximum of 8 hours of credit per day;
- may not earn credit for remedial education stipulated to between a licensed broker and the Commission as part of disciplinary action or as an alternative to disciplinary action;
- may not repeat a course for credit in the same calendar year; and
- may not carry forward hours in excess of 24 to satisfy a subsequent renewal requirement.

Continuing education credits must generally be taken at:

- an accredited Colorado college or university;

- a Colorado community college;
- a Colorado private occupational school holding a certificate of approval from the State Board for Community Colleges and Occupational Education, or an educational institution or service described in § 12-59-104.

Minimum class length

Continuing education courses for brokers must be at least one hour long and contain at least 50 instructional minutes.

Subjects

The Commission develops eight credit hours designed to assure a licensee's "reasonable currency" of real estate knowledge. Those hours must include an update of current statutes and rules that affect a real estate practice. A licensee may receive continuing education credit for a course taken pursuant to Rule 260 of the Colorado Rules of Civil Procedure (regarding mandatory legal education requirements) if the course concerns real property law.

Continuing education instruction must be in one or more of the following subjects:

- real estate law;
- property exchanges;
- real estate contracts, finance, appraisal, closings or ethics;
- condominiums and cooperatives;
- time-sharing;

- real estate marketing principles;
- construction or land development;
- energy concerns;
- geology;
- water and waste management;
- commercial real estate;
- real estate securities and syndications;
- property management;
- "real estate computer principles";
- brokerage administration and management;
- agency; and
- any other Commission-approved subject matter.

The following do not qualify for continuing education credit:

- "sales or marketing meetings conducted in the general course of a real estate brokerage practice";
- "orientation, personal growth, self-improvement, self-promotion or marketing sessions";
- motivational meetings; or
- examination preparation or technique courses.

The Division of Real Estate must develop and present the four-hour "Annual Commission Update" course and furnish it without charge to approved providers. The provider and instructor must present the course "without additional development."

Attendance requirements

A school or provider may not "waive, excuse completion of, or award partial credit for the full number of course hours." Also, a "challenge exam or equivalency" may not "substitute for the full course outline."

Online classes

A provider may offer continuing education courses by distance learning, which includes "courses outside the traditional classroom setting in which the instructor and learner are separated by distance and/or time."

Distance learning continuing education course providers must submit to the Commission evidence that the delivery method and course structure are "consistent with acceptable education standards assuring that the desired learning objectives are met." The Commission will approve delivery methods certified by the Association of Real Estate License Law Officials ("ARELLO") or by "a substantially equivalent authority and method."

Other requirements

A licensee must pay the established fees for, among other things, each broker's examination and each three-year renewal of a broker's license.

"Effective January 1, 2018, each applicant who has satisfied the requirements for licensure will be issued a license expiring December 31 of the year of issue. Thereafter, a licensee will renew a license on a calendar year cycle commencing on January 1 of year one and expiring on December 31 of year three."

"Upon receipt of a complete and satisfactory application accompanied with payment of the appropriate fee, the Commission will renew a license expiring on the anniversary date in the years of 2018, 2019 or 2020, for a period of time equal to two years plus the remaining days in the third year to reach December 31. Thereafter, a licensee will renew a license on a calendar year cycle commencing on January 1 of year one and expiring on December 31 of year three."

Renewal is conditioned upon the licensee:

- fulfilling the continuing education requirements; and
- paying the required fees.

A person who fails to renew his or her license before "January 1 of the year succeeding the year" his or her license expired may reinstate the license as follows:

- if he or she applies within 31 days after the expiration date, by paying the regular three-year renewal fee;
- if he or she applies more than 31 days, but within one year, after the expiration date, by paying the regular three-year renewal fee and a reinstatement fee equal to one-half of the regular renewal fee; and

- if he or she applies more than one year, but within three years, after the expiration date, by paying the regular three-year renewal fee and a reinstatement fee equal to the regular renewal fee.

Licenses must retain proof of continuing education completion for four years and must provide it to the Commission upon request.

ASSOCIATE BROKER REQUIREMENTS

No relevant provisions were located.

SALESPERSON REQUIREMENTS

No relevant provisions were located. (Colorado no longer issues salesperson licenses.)

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Statutes renumbered 2019; all regulations, reorganized, reformatted and renumbered effective January 1, 2020.

Colo. Rev. Stat. §§ 12-10-211, -212, -213 (LexisNexis 2019); 4 Colo. Code Regs. 725-1 rr. 4.1, .2, .3, .4, .5; 3.6.3; 3.11 (2019)

[Colorado, Licensing Categories](#)

BROKER

A "broker" is a "person, firm, partnership, limited liability company, association, or corporation who, in consideration of compensation . . . or with the intention of receiving or collecting such compensation, engages in or offers or attempts to engage in" any of the following acts:

- "[s]elling, exchanging, buying, renting, or leasing real estate," real estate interests or improvements;
- offering to "sell, exchange, buy, rent, or lease real estate," real estate interests, or improvements;

- selling or offering to sell or exchange an existing real estate lease;
- negotiating the purchase, sale or exchange of real estate, or a real estate interest or improvements;
- listing, offering, attempting or agreeing to list real estate;
- auctioning or offering, attempting or agreeing to auction real estate;
- dealing in real estate options or acting as an "option dealer";
- performing any of the above acts as an employee of, or on behalf of, the owner for consideration;
- "[n]egotiating or attempting or offering to negotiate the listing, sale, purchase, exchange, or lease of a business or business opportunity or the goodwill thereof or any interest therein," if the act or transaction meets other specified criteria; and
- soliciting a fee or valuable consideration from a prospective tenant for providing information concerning the availability of real property, including apartments, that are leased or rented as a private dwellings, except in certain specified situations.

ASSOCIATE BROKER

No relevant provisions were located.

SALESPERSON

Real estate salesperson licenses are not issued.

SPECIALIST CATEGORIES

Subdivision developer registration

Unless exempt, a developer, before "selling, leasing, or transferring or agreeing or negotiating to sell, lease, or transfer" a subdivision must register.

Statutes renumbered 2019.

Colo. Rev. Stat. §§ 12-10-201, -502 (LexisNexis 2019)

Colorado, Licensing Exemptions

Colorado's real estate licensing laws do not apply to the following:

- an attorney-in-fact acting without compensation under a power of attorney from a real estate owner that authorizes a real estate transaction;
- a public official conducting his or her official duties;
- an authorized receiver, trustee, administrator, conservator, executor or guardian;
- a "person, firm, partnership, limited liability company, or association acting personally or a corporation acting through its officers or regular salaried employees, on behalf of that person or on its own behalf as principal in acquiring or in negotiating to acquire" a real estate interest;
- an attorney-at-law representing his or her clients;
- a person, firm, or entity, or its employee or authorized agent, "negotiating, acquiring, purchasing, assigning, exchanging, selling, leasing, or dealing in oil and gas or other mineral leases or interests therein or other severed mineral or royalty interests in real property" for the purpose of or for facilities related to pipelines, flow lines, gas gathering systems, and natural gas storage and distribution;

- a natural person acting personally with respect to property that he or she owns or leases;
- a natural person who is "a general partner of a partnership, a manager of a limited liability company, or an owner of twenty percent or more of such partnership or limited liability company, and authorized to sell or lease property owned by such partnership or limited liability company," except as otherwise provided;
- except as otherwise provided, a "corporation with respect to property owned or leased by it, acting through its officers or regular salaried employees," provided the acts are incidental and necessary to the ordinary course of the corporation's business activities, which is not of a real estate nature, provided the corporation is not engaged in the land-transaction business;
- except as otherwise provided, a principal officer of a corporation with respect to property the corporation owns if the property is located in Colorado and the principal officer own 20 percent or more of the corporation's outstanding stock, but this exemption does not include a corporation selling previously occupied one- and two-family dwellings;
- a sole proprietor or other entity acting through its officers, partners or regular salaried employees, with respect to property the entity owns or leases on which there has been or will be erected a commercial, industrial or residential building that has not been previously occupied, provided the consideration paid for the property includes the building's cost, payable, less deposit or down payment, at conveyance;
- an entity acting through its officers, partners, managers or regularly salaried employees (or a subsidiary or its employees) who receive no additional compensation, with respect to property located in Colorado that the entity owns or leases and on which there has been or will be erected a shopping center, office building, or industrial park, provided the building is sold or leased in the entity's ordinary course of business;
- an apartment building or complex owner's regularly salaried employee who acts as an on-site manager of the apartment building or complex;

- a regularly salaried employee of an owner of condominium units who acts as an on-site manager of the units;
- a "real estate broker licensed in another state who receives a share of a commission or finder's fee on a cooperative transaction from" a licensed Colorado broker;
- a sole proprietor or an entity acting through its officers, partners, or regularly salaried employees, with respect to Colorado property, if the property purchaser is in the business of developing land for residential, commercial or industrial purposes; and
- a person, firm, or entity (or its employee or authorized agent) "negotiating, purchasing, assigning, exchanging, selling, leasing, or acquiring rights-of-way, permits, licenses," and any other real property interests for or on behalf of a third party for the following purposes: telecommunication lines; wireless communication facilities; "CATV"; electricity generation, transmission and distribution lines; "[w]ater diversion, collection, distribution, treatment, and storage or use"; and transportation, provided other specified requirements are met.

Section amended 2011 and renumbered.2019.

Colo. Gen. Stat. § 12-10-201 (LexisNexis 2019)

Colorado, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

An applicant must have either:

- received a degree from an accredited degree-granting college or university with a major in real estate; or

- successfully completed a Commission-approved course of study at an accredited college or university or a private occupational school that has obtained a certificate of approval from the state's private occupational school division, been approved by the [Colorado Real Estate Commission](#) or been licensed by an official state agency.

The instruction must include the following:

- 48 hours of classroom instruction or equivalent correspondent hours on real estate law and practice;
- 48 hours of classroom instruction or equivalent correspondent hours on understanding and preparing Colorado real estate contracts; and
- 72 hours of instruction or equivalent correspondence hours, which must include a minimum of the following: 24 hours on real estate closings; eight hours on trust accounts and record keeping; eight hours on current legal issues; and 32 hours on practical applications.

A broker who did not hold a current and valid broker's license on December 31, 1996, may not employ another broker or salesperson without first completing 24 hours of instruction, or the equivalent in approved correspondence hours, in brokerage administration.

Service in "lower" category

A broker who did not hold a current and valid broker's license on December 31, 1996, may not engage in an independent brokerage practice without first serving actively as a real estate broker or salesperson for at least two years.

Waiver of qualifications for some professionals

A broker's license applicant who has been licensed as a broker in another jurisdiction must complete only the following courses of study:

- 48 hours of classroom instruction or equivalent correspondent hours on understanding and preparing Colorado real estate contracts; and
- 72 hours of instruction or equivalent correspondence hours, which must include at least the following: 24 hours on real estate closings; eight hours on trust accounts and record keeping; eight hours on current legal issues; and 32 hours on practical applications.

If a broker's license applicant has held a license in another jurisdiction that administers a broker's examination and if the applicant has been licensed for two or more years before applying for a Colorado license, the Commission may issue the applicant a broker's license if the applicant establishes that he or she "possesses credentials and qualifications that are substantively equivalent" to Colorado's requirements for licensure by examination.

A licensed attorney must take and pass the broker's license examination after completing 12 hours of classroom instruction or equivalent correspondent hours in trust accounts, record-keeping and real estate closings.

Annual fees and filings

A licensee must pay the established fees for, among other things, each broker's examination and each three-year renewal of a broker's license.

A licensee, whether licensed on an active or an inactive basis, must renew his or her license on or before December 31 every third year after issuance. All license renewals are for a full three-year period.

Renewal is conditioned upon the licensee:

- fulfilling the continuing education requirements; and
- paying the required fees.

A person who fails to renew his or her license before "January 1 of the year succeeding the year" his or her license expired may reinstate the license as follows:

- if he or she applies within 31 days after the expiration date, by paying the regular three-year renewal fee;
- if he or she applies more than 31 days, but within one year, after the expiration date, by paying the regular three-year renewal fee and a reinstatement fee equal to one-half of the regular three-year renewal fee; and
- if he or she applies more than one year, but within three years, after the expiration date, by paying the regular three-year renewal fee and a reinstatement fee equal to the regular three-year renewal fee.

Licenses must retain proof of continuing education completion for four years and provide it to the Commission upon request.

Applicant investigation

Before submitting a an initial license application, an applicant must submit a set of fingerprints to the Colorado Bureau of Investigation and the Federal Bureau of Investigation for the purpose of conducting a state and national criminal history record check. Fingerprints must be submitted in a manner acceptable to the Colorado Bureau.

The Commission may "require and procure" any necessary proof with reference to an applicant's "truthfulness, honesty, and good moral character." If the applicant is an entity, it may require that proof for any "partner, manager, director, officer, member, or stockholder" who has a substantial interest in the applicant.

An applicant who has been convicted or pleaded nolo contendere to a misdemeanor or a felony, or a similar municipal code violation, or "has such charges pending or has agreed to a deferred prosecution, a deferred judgment, or a deferred sentence," except for misdemeanor traffic violations, during the last 10 years must file the following:

- a "written and signed personal explanation and detailed account of the facts and circumstances surrounding each violation," which must include the statement, "I have been charged with no other criminal violations either past or pending, other than those I have stated on the application";

- a "completed Commission form number REC-BAA," which must include certain specified information; and
- if the applicant will be employed by another licensee, a letter from the employing broker stating that he or she is aware of the specific charges or convictions.

At any time before submitting a formal license application, a person may ask the Commission to issue a preliminary advisory opinion regarding the potential effect that previous conduct, criminal convictions or real estate license law violations may have on a future formal license application. However, the Commission's opinion provides only "preliminary advisory guidance" and is not binding on the Commission.

Examinations

A broker's license applicant must pass an examination to determine the applicant's competency. The Commission may contract with an independent testing service to develop, administer or grade the examination. The testing service may recover from the applicant the costs of the examination and of administering records. The Commission may set the minimum passing score that an applicant must receive on the examination.

The examination is made up of two parts, a general portion and a state portion. The applicant may retake a failed test part at a later date. A passing score is valid for one year only. An application for licensure must be accompanied by proof of successful completion of the appropriate portions of the exam within the year prior to the application being received by the Commission.

The examination must include, but is not be limited to, "ethics, reading, spelling, basic mathematics, principles of land economics, appraisal, financing, a knowledge of the statutes and law of this state relating to deeds, trust deeds, mortgages, listing contracts, contracts of sale, bills of sale, leases, agency, brokerage, trust accounts, closings, securities," and the relevant statutes and regulations. It must also include preparing a real estate closing statement.

Only the following may take the broker's licensing examination:

- qualified broker's license applicants;
- licensees "upgrading" their license;

- licensees meeting the continuing education requirement; and
- "one instructor from each real estate school offering real estate courses required of applicants" may take the examination one time during any 12-month period.

Other prerequisites

A broker's license applicant must:

- apply for a broker's license to the Commission "upon forms or in a manner prescribed by it";
- be at least 18 years of age;
- provide proof that he or she has completed the educational requirements;
- maintain errors and omissions insurance;
- pay the required fees for each broker's examination, original application and license; or
- if licensed in another state, file a "certification of licensing history" issued by each state in which he or she is or was licensed as a broker or salesperson (if currently licensed, the certificate must bear a date of no more than 90 days before the application date; if no longer licensed, the certificate must be dated after its expiration date).

Effective January 1, 2019, a broker may not act as an employing broker without first demonstrating, pursuant to Commission rules, "experience and knowledge sufficient to enable the broker to employ and adequately supervise other brokers, as appropriate to the broker's area of supervision."

Corporate and other entity licenses

The Commission may grant a broker's license to individuals, partnerships, limited liability companies or corporations. An entity must designate a qualified, active broker to be responsible for managing and supervising the entity's "licensed actions" and licensees.

The Commission will not grant a license to an entity until its designated broker passes the broker's examination on behalf of the entity. Once the Commission issues the entity a license, the broker must conduct real estate business only through that entity, and not for the broker's own account.

If a broker applicant submits an application to qualify a corporation as a real estate brokerage company, the applicant must certify and prove that:

- the corporation is properly incorporated with the Colorado Secretary of State or authorized to do business in Colorado;
- the corporation is in good standing;
- the corporation has filed any assumed or trade name with the Colorado Secretary of State; and
- the board of directors appointed the broker applicant to act as the corporation's broker (the relevant regulation does not require proof of the appointment).

If a broker applicant submits an application to qualify a partnership as a real estate brokerage company, the broker applicant must certify that:

- the partnership is properly registered with the Colorado Department of Revenue or filed with the Colorado Secretary of State;
- the partnership is in good standing;

- the partnership has filed any assumed or trade name with the Colorado Department of Revenue or the Colorado Secretary of State; and
- all general partners, managers and officers appointed the broker applicant to act as the partnership's broker (the relevant regulation does not require proof of the appointment).

If the broker applicant submits an application to qualify a limited liability company ("LLC") as a real estate brokerage company, the broker applicant must certify that:

- the LLC is properly registered with the Colorado Secretary of State;
- the LLC is in good standing;
- the LLC filed any assumed or trade name with the Colorado Secretary of State; and
- all managers (or members, if management is reserved to members) appointed the broker applicant as the LLC's real estate broker (the relevant regulation does not require proof of the appointment).

ASSOCIATE BROKER QUALIFICATIONS

No relevant provisions were located.

SALESPERSON QUALIFICATIONS

The Commission does not issue salesperson's licenses.

SPECIALIST QUALIFICATIONS

Subdivision developers

General requirements

Unless exempt pursuant to § 12-10-501(3), a developer must register "before selling, leasing, or

transferring or agreeing or negotiating to sell, lease, or transfer" all or part of a subdivision.

Education

No specifically relevant provisions were located.

Service in "lower" category

No specifically relevant provisions were located.

Waiver of qualifications for some professionals

No specifically relevant provisions were located.

Annual fees and filings

No specifically relevant provisions were located.

Applicant investigation

No specifically relevant provisions were located. However, if an applicant has been convicted of a felony during the preceding 10 years, the Commission is governed by § 24-5-101, which generally addresses the effect of a criminal conviction on employment rights, in determining whether to issue a certificate of registration. It may also consider whether states in which an applicant has had a license or registration similar to the Colorado developer's registration, granted, refused, suspended or revoked that license or if the applicant is currently the subject of an investigation or charges that could result in refusal, suspension or revocation.

Examinations

No specifically relevant provisions were located.

Other prerequisites

A person who is required to register as a developer must submit to the Commission an application that contains the required information. If a developer is currently regulated in another state that has registration requirements substantially equal to Colorado's requirements or that "provide substantially comparable protection to a purchaser," the Commission may "accept proof of that registration along with the developer's disclosure or equivalent statement from the other state in full or partial satisfaction" of the required information.

The registration information must include:

- the applicant's principal office, wherever it is located;

- the location of the applicant's principal and branch offices in Colorado;
- the names and residence and business addresses of all persons with a 24-percent or greater interest in the developer's business, specifying each person's capacity, title, and ownership percentage (if no person has at least a 24-percent interest, information regarding the natural person with the largest single financial or beneficial interest);
- the length of time and locations where the applicant has been engaged in the real estate business;
- any felony of which the applicant was convicted during the preceding ten years;
- whether states in which an applicant has had a license or registration similar to the Colorado developer's registration granted, refused, suspended or revoked that license or if the applicant is currently the subject of an investigation or charges that could result in refusal, suspension, or revocation; and
- whether the developer or a financially interested person has engaged in an activity that would constitute a violation of the relevant laws.

If the applicant is a corporate developer, it must include a copy of its certificate of authority to do business in Colorado or a certificate of incorporation issued by the secretary of state.

The developer must also register the subdivision.

Section 12-10-203 amended 2019; all statutes renumbered 2019; all regulations reorganized, reformatted and renumbered effective January 1, 2020.

Colo. Rev. Stat. §§ 12-10-203, -204, -208, -211, -212, -502, -503; 24-5-101 (LexisNexis 2019); 4 Colo. Code Regs. 725-1 rr. 2.1, 2.2, 2.3, 2.4, 2.10, 3.4, 3.8 (2019)

Connecticut

Connecticut, Continuing Education Approval

PROVIDER

General requirements

The Commissioner of Consumer Protection, with the assistance of the Connecticut Real Estate Commission ("Commission") may adopt regulations related to approving schools offering real estate courses, the content of the courses or programs and advertising the schools' services. However, the regulations may not require the approval of instructors or a course "to be conducted in a classroom location approved for such use by a local fire marshal provided the course is conducted in a hotel, restaurant or other public building or a place of public assembly."

Each school, institution or organization that wants to offer real estate continuing education courses must submit to the Commission a formal filing for each course for which approval is sought.

Approval applications

Each school, institution or organization that wants to offer real estate continuing education courses must submit to the Commission a formal filing for approval of each course. The filing must include the following:

- a detailed course outline;
- the instructors' lecture guidelines;
- a copy of the text and related teaching materials;
- a copy of the affidavits and certificates to be issued upon course completion (other than as prescribed by the Commission);
- a copy of proposed advertising;

- the classrooms' locations, unless the course is a distance education course;
- all instructors' names and addresses; and
- the tuition and "other related costs."

The Commission will not approve a course of less than three hours.

Each school, institution or organization conducting an approved course must:

- at least 10 days before the first scheduled session of each course submit to the Commission "a schedule of the dates, hours, locations, tuition fees and instructors for each course to be offered"; and
- submit for prior approval all locations where courses are to be offered.

Each course, except distance education courses, must be offered in a classroom or other facility that "is adequate to implement the offering," and not on the premises of a real estate brokerage office or real estate franchise. The local fire marshal must approve classroom locations.

Distance learning course approval

A school, institution or organization that offers a course in current real estate practices and licensing laws may not be "disapproved solely because its courses are offered or taught by electronic means, and no course may be disapproved solely because it is offered or taught by electronic means."

A distance education course is permitted only if it has received a distance education certification from the Association of Real Estate License Law Officials.

Advertising

A course may not be advertised as approved without the Commission's prior written approval.

A provider's course filing must include, among other things, a copy of all proposed advertising. The advertising must comply with the following:

- the school must submit all advertising materials to the Commission before publication;
- the advertising may not be "deceptive or misleading";
- the advertising must "reveal significant facts, the concealment of which would mislead the public";
- advertisers must substantiate advertising claims upon the Commission's request;
- all advertising and other statements must "avoid the use of exaggerated or unprovable claims and misrepresentations" and must make only reasonable claims when discussing the student's economic future in the real estate field;
- the school may not offer an "unfounded guarantee";
- all notices must disclose the "full nature of services offered";
- the advertising may not make false or misleading claims regarding tuition and other costs;
- testimonials must be clearly limited to individuals reflecting their own personal experiences;
and

- schools must not use phrases such as "Approved by the Department of Consumer Protection/Real Estate Commission" in advertising, but they may use phrases such as the following: "This course meets the minimum requirements as set forth by the Department of Consumer Protection/Real Estate Commission", as long as the type is "no larger than the smaller type used on the advertisement."

Student records

All schools, institutions or organizations conducting approved courses must retain complete records of student attendance and evidence of completion for at least four years and must make the records available for the Commission's inspection.

Certificates of completion

Upon a student's satisfactory completion of an approved course, the school, institution or organization must provide the student a certificate. However, the burden of proving course completion is on the licensee.

A school, institution or organization filing for course approval must include, among other things, a copy of the affidavits and certificates to be issued upon completion of the course (other than those prescribed by the Commission).

Other submissions

A school, institution or organization must submit an updated course filing containing "any changes from the previous offering within each two (2) year period from original approval date."

CONTENT

Continuing education programs must consist of "current real estate licensing laws and practices that are broad-based and essential to the role of a real estate general practitioner" as he or she acts in consumers' best interests. The contents must directly relate to real estate principles and practices contained in the Connecticut Real Estate Licensing Laws and Regulations, to "any overview text on real estate principles and practices or to new developments in the field for which licensees have a demonstrated need."

The program must consist of one course of at least three classroom hours in current real estate and fair housing legislation, licensing laws and regulations, unless the Commission directs otherwise.

The Commission may not approve:

- offerings in mechanical office and business skills, such as "typing, speed-reading, memory development, personal motivation, salesmanship, sales psychology, nor sales promotions"; or
- other meetings held in conjunction with a salesperson's broker's general business.

Generally acceptable courses may include, but are not limited to, the following:

- fair-housing laws;
- ethics;
- finance;
- appraisals;
- management;
- planning and zoning;
- securities and syndications;
- investment analysis;

- "common interest ownership";
- interstate-land sales;
- taxes and liens;
- title closing;
- real estate documents; and
- real estate math.

The Commission will not approve continuing education hours more than once for completing the same course within each two-year continuing education period.

MATERIALS

Each course-approval filing must include, among other things, a copy of the text and any related teaching materials.

INSTRUCTOR QUALIFICATIONS

Each request for the approval of an instructor must be made in writing together with a resume of the individual setting forth specific real estate education and experience. School instructors must possess the following minimum qualifications:

- five years of experience as a practicing broker or a professional designation from an institute or society in the field the proposed instructor wishes to teach, or
- experience in teaching a course in a formal education program or attendance at an accredited college or university extension instructors seminar. For collegiate level courses in degree programs, the instructor should have teaching experience plus a master's degree in

an appropriate field or such other combination of qualifications as the commission may approve.

PRIOR APPROVAL REQUIREMENTS

Approval timing

A school, institution or organization conducting an approved course must, at least 10 days before the first scheduled session, submit to the Commission a "schedule of the dates, hours, locations, tuition fees and instructors for each course to be offered."

No course may begin without the Commission's prior written approval, and a school must obtain the Commission's prior written approval for any change in an approved course.

Approval after class date

No courses may begin without the Commission's prior written approval. Courses completed before certification by the Commission "may not qualify for continuing education hours."

EXAMINATION

Examination requirements

No relevant provisions were located.

Proctors

No relevant provisions were located.

Section 20-314a amended 2017; § 20-319 amended 2012; regulations 20-319-4 and 20-319-5 adopted 1984; r. 20-319-3 amended 2002; r. 20-319-1 and 20-319-2 amended 2004.

[Conn. Gen. Stat. §§ 20-314a, -319 \(2018\)](#); [Conn. Agencies Regs. §§ 20-319-1, -2, -3, -4, -5 \(2019\)](#)

Connecticut, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

Instructors may claim continuing education credit for teaching certain courses. Instructing an approved continuing education course or licensing course taught pursuant to regulations 20-314a-4 (the "real estate principles and practice course"), 20-314a-5 (the "appraisal I" course) or 20-314a-6 (related courses approved on an individual basis) is "deemed equivalent for purposes of continuing educational experience." The Commission will not accept continuing education credit for instruction if it is for less than three hours. Continuing education hours are not approved more than once for instructing the same course within each two-year continuing education period.

Upon showing a bona fide health or other individual hardship, the Commission may consider an exception to the continuing education requirements. Loss of income resulting from license cancellation does not qualify. A licensee must submit a request for a hardship exception in writing at least 60 days before the renewal date. He or she must include an explanation and verification of the hardship. Exceptions may include, but are not be limited to, the following:

- individuals serving in military service; and
- individuals who are physically handicapped, with a handicap that prohibits them from sitting for an exam or attending courses.

Required hours

A licensee may satisfy the continuing education requirement by successfully completing any of the following during the two-year period preceding July 31 in an even-numbered year:

- approved courses "of continuing education in current real estate practices and licensing laws, including, but not limited to, practices and laws concerning common interest communities" consisting of at least 12 hours of classroom study; or
- passing the 40-question Connecticut Continuing Education Examination given by PSI Examination Services.

Minimum class length

An approved continuing education course must be at least three hours in length.

Subjects

Any courses, other than those approved for licensing pursuant to regulations 20-314a-4 (the "real estate principles and practice course"), 20-314a-5 (the "appraisal I" course) or 20-314a-6 (all related courses approved on an individual basis), "may be deemed equivalent for purposes of continuing educational study." Any other continuing educational courses are considered by the Commission "on an individual basis." An applicant must submit evidence of the courses 90 days before the end of each two-year continuing education period.

Continuing education programs must consist of "current real estate licensing laws and practices that are broad-based and essential to the role of a real estate general practitioner" as he or she acts in the consumers' best interests. The contents must directly relate to real estate principles and practices contained in the state's licensing laws and regulations and "any overview text on real estate principles and practices or to new developments in the field for which licensees have a demonstrated need."

One course must consist of at least three hours in current real estate and fair housing legislation, licensing laws and regulations, unless the Commission directs otherwise.

The Commission may not approve:

- offerings in mechanical office and business skills, such as "typing, speed-reading, memory development, personal motivation, salesmanship, sales psychology, nor sales promotions";
or
- meetings held in conjunction with a salesperson's broker's general business.

Generally acceptable courses may include, but are not limited to the following:

- fair-housing laws;
- ethics;

- finance;
- appraisal;
- management;
- planning and zoning;
- securities and syndications;
- investment analysis;
- "common interest ownership";
- interstate-land sales;
- taxes and liens;
- closings;
- real estate documents; and
- real estate math.

The Commission will not approve continuing education hours more than once for completing the same course within a two-year continuing education period.

Attendance requirements

No specifically applicable provisions were located.

Online classes

No specifically applicable provisions were located. However, the Commission will approve certain distance learning classes.

Other requirements

Applicants for an annual renewal license must, in each even-numbered year, submit to the Commission proof of compliance with the continuing education requirements and an \$8 processing fee.

ASSOCIATE (OR OTHER) BROKER REQUIREMENTS

No relevant provisions were located.

SALESPERSON REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section 20-319 amended 2012; regulation 20-319-3 amended 2002; r. 20-319-1, 20-319-6, 20-319-7 and 20-319-8 amended 2004.

[Conn. Gen. Stat. § 20-319 \(2018\)](#); [Conn. Agencies Regs. §§ 20-319-1, -3, -6, -7, -8 \(2019\)](#)

Connecticut, Licensing Categories

BROKER

A "broker" is:

- a "person, partnership, association, limited liability company or corporation" that, acting for another and for consideration, "lists for sale, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale, exchange, purchase or rental of, an estate or interest in real estate, or a resale of a mobile manufactured home . . . or collects or offers or attempts to collect rent for the use of real estate"; or
- a "person, partnership, association, limited liability company or corporation employed by or on behalf of the owner" of lots or other real estate parcels, "at a stated salary, upon commission, upon a salary and commission basis or otherwise to sell such real estate, or any parts thereof, in lots or other parcels, and who sells or exchanges, or offers, attempts or agrees to negotiate the sale or exchange of, any such lot or parcel of real estate."

ASSOCIATE BROKER

No relevant provisions were located.

SALESPERSON

A "salesperson" is a person affiliated with a broker as an independent contractor or employed by a broker:

- "to list for sale, sell or offer for sale, to buy or offer to buy or to negotiate the purchase or sale or exchange of real estate, or to offer for resale, a mobile manufactured home";
- to lease, rent or offer to "lease, rent or place for rent" real estate;
- to "collect or offer or attempt to collect rent for the use of real estate" for the broker;
- to offer, sell or attempt to sell the broker's real estate or mobile manufactured homes; or

- who, acting for another as a designated agent, "lists for sale, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale, exchange, purchase or rental of, an estate or interest in real estate, or a resale of a mobile manufactured home . . . or collects or offers or attempts to collect rent for the use of real estate," but does not include a broker's employees whose principal occupation is clerical work or janitors or custodians.

SPECIALIST CATEGORIES

Sales of property in another state

A licensee who advertises and sells in Connecticut property in another state must be licensed. The relevant statutes refer to dealing with a "subdivision," which is land or tract located outside Connecticut that is divided or proposed to be "divided into five or more lots, parcels, units, including time-share units, or interests for the purpose of disposition, at any time as part of a common promotional plan."

Real property securities dealer

A "real property securities dealer" is a person who engages in the business of:

- selling real property securities to the public; or
- "offering to accept or accepting funds for continual reinvestment in real property securities, or for placement in an account, plan or program whereby the dealer implies that a return will be derived from a specific real property sales contract or promissory note" secured by a real property lien that "is not specifically stated to be based upon the contractual payments thereon."

A "real property security" is an investment contract made in connection with the sale of a single promissory note secured by a real property lien or a real property sales contract by which the real property securities dealer agrees or implies that he or she (or his or her principal) will do any of the following:

- guarantee the note or contract against loss;

- guarantee that principal or interest payments will be paid in conformity with note's or contract's terms;
- assume any payments necessary to protect the security;
- accept partial payments toward the purchase of the note or contract;
- guarantee a specific yield or return;
- pay with his or her own funds any interest or premium for a period before the purchase and delivery of the note or contract;
- pay with his or her own funds any amount after the note or contract falls into arrears; or
- repurchase the note or contract.

It also includes "one of a series of promotional notes secured by liens on separate parcels of real property in one subdivision or in contiguous subdivisions" or "one of a series of real property sales contracts pertaining to separate parcels of real property in one subdivision or in contiguous subdivisions, all of which are executed by one person or persons associated together as owners."

The following are not deemed to be sales to the public in this context:

- sales to a pension, retirement or similar trust fund;
- sales to corporations;
- sales to "a bank and trust company, savings bank, savings and loan association, credit union or national banking association";

- sales to real estate brokers; or
- sales to attorneys.

Section 20-329o amended 1998; § 20-311 amended 2000.

[Conn. Gen. Stat. §§ 20-311, -329o \(2018\)](#)

Connecticut, Licensing Exemptions

The following are exempt from Connecticut's real estate licensing provisions:

- a person who, as owner or lessor, performs a real estate act "with reference to property owned, leased or sought to be acquired or leased by the person, or to the person's regular employees who are employed as on-site residential superintendents or custodians, with respect to the property so owned or leased or sought to be acquired or leased when such acts are performed in the regular course of, or incident to, the management" of the property and the investment in it;
- a person acting as attorney-in-fact under a power of attorney;
- an attorney-at-law performing his or her duties as such;
- a receiver, bankruptcy trustee, administrator, executor or other fiduciary;
- a person selling real estate under court order;
- a trustee acting under a trust agreement, deed of trust or will;

- a witness in court regarding real estate values;
- a person employed by the federal or state government (or any political subdivision) acting in the course of his or her employment;
- an employee of certain nonprofit housing corporations;
- a person licensed to maintain or operate a mobile manufactured home park who performs any of the acts set forth in § 20-311, "with reference to lots or mobile manufactured homes within the park or to the person's employees with respect to lots or mobile manufactured homes within such park when such acts are performed in the regular course of, or incidental to, the management of such property and the investment" in it;
- a person licensed as a mobile manufactured home seller; or
- a person or his or her regular employee who, "as owner, lessor, licensor, manager, representative or agent manages, leases, or licenses space on or in a tower, building or other structure" for certain "personal wireless services facilities" or facilities for "private mobile service" and the installation and maintenance of related devices and ancillary equipment, provided certain other requirements are met.

Section amended 2008.

[Conn. Gen. Stat. § 20-329 \(2018\)](#)

Connecticut, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

Until July 1, 2016, a broker's license applicant must either:

- have successfully completed a Commission-approved course in real estate principles and practices consisting of at least 60 hours, a Commission-approved course in real estate appraisal consisting of at least 30 hours and a Commission-approved real estate course consisting of at least 30 classroom hours; or
- have "equivalent" education, as determined by the Commission.

On or after July 1, 2016, a broker's license applicant must:

- have successfully completed a Commission-approved course in real estate principles and practices consisting of at least 60 classroom hours, a Commission-approved course in legal compliance consisting of at least 15 classroom hours, a Commission-approved course in real estate brokerage principles and practices of at least 15 classroom hours, and two elective courses each consisting of 15 classroom hours; or
- have "equivalent" education, as determined by the Commission.

The Commission will waive the elective courses requirement if the applicant has successfully completed at least 20 real estate transactions within five years immediately preceding application.

Service in "lower" category

A broker's license applicant must have been actively engaged for at least two years as a licensed salesperson under a broker's supervision in Connecticut or have "equivalent experience," as determined by the Commission.

Waiver of qualifications for some professionals

The statutory examination, experience and education requirements do not apply to the renewal of a license issued before October 1, 1973.

The Commission may exempt a broker's license applicant from the experience requirements, if the

Commission determines that the applicant cannot meet the requirements solely because he or she "has been subjected to discrimination based on race, creed or color," and that the discrimination interfered with the applicant's ability to meet the requirements.

The Commission recognizes a current, valid license issued to a "currently practicing, competent real estate broker or real estate salesperson by another state as satisfactorily qualifying the broker or salesperson" for a Connecticut license provided certain conditions are met, including that the laws of the state in which the licensee is licensed must require its applicants to pass an examination, the other state must issue licenses to Connecticut licensees without examination, and the other state's licensure requirements must be "substantially similar to or higher" than Connecticut's requirements, among other things. If the applicant is licensed in a state that does not have such requirements, the applicant must pass the Connecticut portion of the real estate examination.

The Commission may waive the uniform portion of the written examination requirement for an applicant who has taken the national testing service examination in another state within two years from the application date and has received a score the Commission deems satisfactory.

Annual fees and filings

All real estate licenses expire annually.

The annual renewal fee for a broker's license is \$375 (odd year) or \$383 (even year).

The Commission may reinstate a license that is not renewed if, no later than two years after the expiration date, the former licensee pays \$375 for a real estate broker's license for each year or fraction of a year from the expiration date. However, the Commission must reinstate, without the payment of any fees, the license of a licensee whose license expired after he or she entered military service, provided the former licensee files a reinstatement application within two years after the expiration date. A reinstated license expires on the next April 30.

Renewal license applicants must:

- fulfill the continuing education requirement;
- in each even-numbered year, submit to the Commission proof of compliance with the continuing education requirements; and
- include an \$8 processing fee.

Applicant investigation

The Commission may grant licenses only to "persons who bear a good reputation for honesty, truthfulness and fair dealing" and who are competent to transact the business of a real estate licensee in a manner that safeguards the public's interests. The Commission may require "such information with regard to an applicant as the commission deems desirable, with due regard to the paramount interests of the public, as to the honesty, truthfulness, integrity and competency of the applicant and, where the applicant is a corporation, association or partnership, as to the honesty, truthfulness, integrity and competency of the officers of such corporation or the members of such association or partnership."

Examinations

The Commission, upon a broker's license applicant's payment of a \$120 application fee, may give the applicant a written examination that tests the applicant's competency to act as a real estate broker. In addition to paying the application fee, applicants taking the examination administered by a national testing service must pay directly to the testing service an examination fee that covers the examination's cost. Each application payment entitles the applicant to take the examination four times during the one-year period following the payment date.

A broker's license applicant must score at least 75 percent to pass the written examination.

Other prerequisites

At the time of application for a broker's license, the applicant must pay a \$565 license fee.

A person who receives a real estate license for the first time must pay an additional one-time fee of \$20, to be credited to the Real Estate Guaranty Fund.

The Department of Consumer Protection may not issue a license to an applicant:

- whose real estate license application has, within one year before the application date, been rejected or revoked; or
- who has not attained the age 18.

Corporate licenses

Licensees may practice the real estate brokerage business in Connecticut as a corporation, limited liability company, partnership or limited liability partnership, provided:

- the entity's personnel who engage in the real estate brokerage business as brokers or salespersons, and the brokers who have requisite ownership, control, membership or partnership interest, are licensed or exempt from licensure;
- the entity has been issued a broker's license and has paid the required licensing or renewal fee; and
- except in the case of a publicly traded corporation, for a corporation other than a nonstock corporation, one or more brokers must own or control at least 51 percent of the corporation; for a nonstock corporation, one or more brokers must constitute at least 51 percent of the members; for a limited liability company, one or more brokers must own or control at least 51 percent of the company's interest; and for a partnership or limited liability partnership, one or more brokers' partnership interests must constitute at least 51 percent of the total partnership interest.

An entity desiring a broker's license must file with the Commission an application form and a designation of at least one individual licensed or qualified to be licensed as a broker in Connecticut who will be in charge of the entity's real estate brokerage business.

ASSOCIATE (OR OTHER) BROKER QUALIFICATIONS

No relevant provisions were located.

SALESPERSON QUALIFICATIONS

Education

An applicant for a salesperson's license must prove to the Commission that he or she has:

- successfully completed a Commission-approved course in real estate principles and practices, consisting of at least 60 classroom hours of study; or

- "equivalent experience or education," as determined by the Commission.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

The statutory examination and education requirements do not apply to the renewal of a license issued before October 1, 1973.

The Commission recognizes a current, valid license issued to a "currently practicing, competent real estate broker or real estate salesperson by another state as satisfactorily qualifying the broker or salesperson" for a Connecticut license provided certain conditions are met, including that the laws of the other state must require its applicants to pass an examination, the other state must allow licenses to be issued to Connecticut licensees without examination, and the other state's licensure requirements must be "substantially similar to or higher" than Connecticut's requirements, among other things. If the applicant is licensed in a state that does not have such requirements, the applicant must pass the Connecticut portion of the real estate examination.

The Commission may waive the uniform portion of the written examination requirement for an applicant who has taken the national testing service examination in another state within two years from the application date and has received a score the Commission deems satisfactory.

Annual fees and filings

All real estate licenses expire annually. The annual renewal fee for a salesperson's license is \$285 (odd year) or \$293 (even year).

The Commission may reinstate a license that is not renewed if, no later than two years after the expiration date, the former salesperson licensee pays \$285 for each year or fraction of a year from the expiration date. However, the Commission must reinstate, without fee, the license of a licensee whose license expired after he or she entered military service, if the former licensee files a reinstatement application within two years after the expiration date. A reinstated license expires on the next April 30.

Applicants for a renewal license must:

- fulfill the continuing education requirement;

- in each even-numbered year, submit to the Commission proof of compliance with the continuing education requirements; and
- include an \$8 processing fee.

Applicant investigation

All real estate licensees are subject to the same investigation requirements. (See "BROKER REQUIREMENTS" above.)

Examinations

A salesperson's license applicant must score at least 70 percent to pass the written examination.

The Commission, upon a salesperson's license applicant's payment of a \$80 application fee, may give the applicant a written examination that tests the applicant's competency to act as a real estate salesperson. In addition to the application fee, applicants taking the examination administered by a national testing service must pay directly to the testing service an examination fee that covers the examination's cost. Each payment of an application fee entitles the applicant to take the examination four times during the one-year period following the payment date. The applicant may renew annually his or her eligibility to take the examination by paying an additional \$5 fee.

Other prerequisites

A real estate salesperson's license fee is \$285. A person who receives a real estate license for the first time must pay an additional one-time fee of \$20, to be credited to the Real Estate Guaranty Fund.

The Department of Consumer Protection may not issue a license to an applicant:

- whose real estate license application has, within one year before the application date, been rejected or revoked; and
- who has not attained the age 18.

SPECIALIST QUALIFICATIONS

Out-of-state property sales

Education

No specifically relevant provisions were located.

Service in "lower" category

No specifically relevant provisions were located.

Waiver of qualifications for some professionals

No specifically relevant provisions were located.

Exemptions

Unless a person adopts a disposition method in order to evade the provisions of §§ 20-329a to 20-329m or the federal Interstate Land Sales Full Disclosure Act, §§ 20-329a to 20-329m do not apply to:

- making an offer or disposition of a subdivision or a "lot, parcel, unit or interest" in a subdivision by a purchaser for his or her own account in a single or isolated transaction;
- a person in the business of constructing buildings, "other than any lot, parcel, unit or interest in any subdivision," for disposition;
- disposition pursuant to a Connecticut court's order or by any government or governmental agency;
- an offer or disposition of "any evidence of indebtedness" secured a mortgage or deed of trust;
- securities issued by a regulated investment trust;
- cemetery lots; or

- leasing apartments, offices or stores or similar space in an apartment, commercial or industrial building.

The Commission may also exempt any subdivision, if it finds that the enforcement of the law is "not necessary in the public interest and for the protection of purchasers by reason of the small amount involved or the limited character of the offering, or because such property has been registered and approved pursuant to the laws of any other state."

A subdivision that has been registered under the federal Interstate Land Sales Full Disclosure Act is exempt from the provisions of § 20-329d (regarding submission of certain documents), except for "the narrative description of the promotional plan for the disposition of the subdivided lands and copies of all advertising material . . . upon the filing . . . of a copy of an effective statement of record filed with the Secretary of Housing and Urban Development together with a filing fee of three hundred dollars for each subdivision covered by such effective statement of record." The fee for filing a consolidation or an additional number of lots not included in the initial filing is \$375.

Annual fees and filings

The license is valid for one year and may be renewed annually upon payment of the applicable fee, unless there is a "material change," in which case all new facts must be immediately reported to the Commission. The amount a person must pay for an initial or renewal license for each subdivision covered by the license is computed on the basis of the rates set forth in the schedule contained in § 20-329f, which are based on the number of lots or units.

Every broker with a license to offer or to dispose of in Connecticut a subdivision or lot, parcel, unit or interest in a subdivision must immediately report in writing to the Commission all factual changes that materially affect the "value, marketability, or use of the subdivision or any lot, parcel, unit or interest therein or the offering or disposition thereof, provided, if no such changes have occurred, this fact shall be reported in writing and under oath by the broker to the commission at least every six months."

Applicant investigation

Before the Commission issues a license under §§ 20-329a to -329m to a person or broker, the Department of Consumer Protection:

- must "fully investigate all information placed before the department"; and

- may carry out a "physical examination, investigation or inspection of any subdivision" that is the subject of the application.

The applicant must pay all reasonable expenses incurred in carrying out any examination, investigation or inspection.

Examinations

No relevant provisions were located.

Other prerequisites

Unless exempt, a person may not offer "any subdivision or lot, parcel, unit or interest in any subdivision for disposition" or "dispose of any such subdivision or lot, parcel, unit or interest in any subdivision" until he or she has received a license to do so.

The person or broker must:

- appoint in writing the Connecticut Secretary of State as agent for service of process;
- post with the Commission a bond, in favor of the state, as the Commission requires; and
- submit the following to the Commission:
 - the "particulars and details" of the subdivision or lots, parcels, units or other interest in the subdivision;
 - a "narrative description of the promotional plan" and copies of all advertising material that has been prepared for public distribution;
 - a completed license application; and

- a filing fee of \$375 for each subdivision.

The amount any person must pay for an initial or renewal license fee for each subdivision covered by the license is computed using the rates set forth in the schedule set forth § 20-329f, which rates are based on the number of lots or units.

See § 20-329m-4 for a detailed description of the additional filing requirements.

Real property securities dealer

Education

No specifically relevant provisions were located.

Service in "lower" category

No specifically relevant provisions were located.

Waiver of qualifications for some professionals

Sections 20-329o to -329bb do not apply to a securities dealer "who is not engaged in the offering for sale of any real property securities."

Annual fees and filings

A real property securities dealer must file with the Commission, 10 days before use, copies of all material that "pertains to activities subject to sections 20-329o to 20-329bb." If the Commission fails to give notice of its disapproval of any such material within 10 days of receipt, it is deemed to have approved the material.

A real property securities dealer must file with the Commission an annual report containing financial statements and an opinion by a certified public accountant, based upon an audit of the real property securities dealer's business subject to §§ 20-329o to -329bb, which is "not materially restricted in scope." The dealer must file the report within 60 days after the close of the report's period, unless, for good cause, the Commission extends the time in writing. The report must include, but is not limited to:

- the total number of subject sales during the period;
- information "relating to the receipt and disposition of all funds handled in connection" with the transactions; and

- the total dollar volume of the sales.

Applicant investigation

The Commission may require any information regarding an applicant that it deems "desirable," with due regard to the public's interests as to the applicant's "honesty, truthfulness, integrity and competency."

Examinations

No specifically relevant provisions were located.

Other prerequisites

No person may act as a real property securities dealer in Connecticut without first obtaining a real estate broker's license and having an endorsement attached to the license, stating that the licensee is entitled to deal in real property securities.

An application for a permit to sell real property securities must be made in writing on the applicable forms and accompanied by all supporting evidence required by the Commission.

The Commissioner of Consumer Protection may establish reasonable filing fees, which may not be less than \$40.

Persons who (a) offer for sale ownership in real property securities and real estate syndicate securities and (b) are required to be licensed with the Real Estate Commission as real property securities dealers pursuant to § 20-329p, are exempt from the state Securities Act.

Sections 20-314, -313, -316, -317 amended 2016; §§ 20-329a, -329b, -329c, -329d, -329e, -329f amended 2013; § 20-329bb amended 2010; §§ 20-329p and 20-329s amended 1998; § 20-324b amended 1999; § 20-314c repealed 2017; §§ 20-329t, 20-329v and 20-329w amended 2004; § 20-312 amended 2017; § 20-314a amended 2017; § 20-319 amended 2012; regulation 20-329m-9 adopted 1970; r. 20-329m-3 and 20-329m-4 adopted 1978; r. 20-314-1 and 20-314-2 adopted 1983; r. 36b-31-7c amended 1995; r. 20-314a-1 amended 2004.

[Conn. Gen. Stat. §§ 20-312, -313, -314, -314a, -316, -317, -319, -324b, -329a, -329b, -329c, -329d, -329e, -329f, -329p, -329s, -329t, -329v, -329w, -329bb \(2017\); Conn. Agencies Regs. §§ 20-314-1, -2; -314a-1; -329m-3, -4, -9; 36b-31-7c \(2018\)](#)

Delaware

Delaware, Continuing Education Approval

PROVIDER

General requirements

The [Delaware Real Estate Commission](#) ("Commission") approves educational course offerings and instructor certification. Generally, a continuing education activity, to receive Commission approval, must be "an organized real estate related activity, offered under responsible sponsorship, facilitated by an instructor certified by the Commission." The sponsoring organization must identify a designated individual who is responsible for administering and coordinating the education program and reporting to the Commission.

The sponsoring organization must provide:

- appropriate educational facilities; and
- if necessary, "library and reference materials and all instructional aids and equipment consistent with the content, format, and objective of each learning experience."

Sponsors or providers of continuing education courses:

- are responsible for conducting their courses, including managing facilities and "faithful and complete student attendance," which means "attentive presence" for at least 50 minutes of each hour; and
- must arrange for an on-site monitor (which may be a student), who ensures that students provide their own signatures on the course roster and advises the provider of any students who do not comply with the "faithful and complete attendance" requirements.

Members of the Commission or its Education Committee may monitor any approved course without notice.

Approval applications

The course sponsor or provider must file the following with the Commission at least 60 days before the date the course is to be held:

- a course-approval application;
- a course outline;
- all applicable fees; and
- any other documentation the Commission may require.

The Commission may reject any application that is not filed within the appropriate time limit.

A course is certified for a 2-year period, provided:

- it is conducted by the sponsor or provider making the application;
- the curriculum and course length remain as approved; and
- certified instructors teach the course.

Courses cannot be automatically renewed; sponsor providers must reapply by the expiration date.

An individual student may also request approval of a course or program by submitting, within 12 months,

- an application form;
- a course outline;
- a qualified instructor's resume; and
- any other documentation the Commission may require.

Distance learning course approval

Generally, continuing education courses may be taken through distance education if they have been certified by the ARELLO or the International Distance Education Certification Center before being submitted to the Commission for approval. Students must pass an appropriate examination to successfully complete and receive credit for a distance course. An exam will be deemed appropriate if it contains at least five multiple-choice questions for each hour of credit, with a minimum passing score of 80 percent.

Advertising

No specifically applicable provisions were located.

Student records

A sponsoring organization must maintain an individual participation record for at least three years from the course offering date. Upon a student's request, the sponsor must make the record "readily available as an official statement to each student of his or her participation."

The following information must be included as part of the record:

- the organization's name and address;

- the course topic and title;
- the instructor's name and approval;
- the course's completion date;
- the number of approved credit hours;
- a detailed course outline;
- a copy of the Commission's course approval letter;
- a copy of the individual instructor's approval letter;
- a copy of the student evaluations; and
- a copy of the course sign-in sheet and licensee completion status (such as "satisfactory" or "unsatisfactory").

Certificates of completion

Attendance must be "used as the minimum requirement for satisfactory completion." However, a sponsor or an instructor may establish additional criteria for evaluating student performance. The course sponsor or provider must supply a certificate of completion to the student at the completion of the course or program, which certificate must contain at least the following information:

- the student's and the sponsor's name;

- the topic area/Module number;
- the course title;
- the date the student completed the course;
- the number of credit hours;
- the course approval number;
- the instructor's name and certificate(approval) number; and
- licensure period.

The sponsoring organization must also provide the following to the Commission within 15 days:

- a list of course participants and their real estate license numbers;
- a copy of each student's course and instructor evaluation form; and
- an evaluation summary report form.

All instructors who taught the course must sign the evaluation summary report, indicating each had the opportunity to review the evaluation result.

Every broker must maintain copies of CE certificates for his or her salespersons and associate brokers for at least three years after conclusion of each renewal period.

Other submissions

No relevant provisions were located.

CONTENT

To be considered eligible for continuing education credit approval, courses and seminars must be in one of the following Modules:

- Module 1-Agency and Fair Housing;
- Module 2-Professional Standards;
- Module 3-Real Estate Documents;
- Module 4-Office Management;
- Module 5-Legislative Issues;
- Module 6-Practices of Real Estate; and
- Module 7-Elective Courses

Generally, the following are not acceptable for credit:

- mechanical office and business skills, including typing, business machines and (except as noted above) computer operations;

- personal development, enrichment and motivational courses;
- speed reading, memory improvement and report writing;
- correspondence courses and program learning courses, unless they have been certified through the ARELLO Distance Education Certification Program;
- "[g]eneral training or education required of licensees to function in a representative capacity for an employing broker," unless it otherwise complies with the approved topic areas (listed above), has been approved by the Commission and is taught by a certified instructor;
- meetings that are a "normal part of in-house staff or licensee training, sales promotions or other meetings held in connection with the general business of the licensee and/or broker"; and
- non-educational activities of associations, trade organizations and professional and occupational group membership or certification.

MATERIALS

The sponsoring organization must provide necessary "library and reference materials and all instructional aids and equipment consistent with the content, format, and objective of each learning experience."

A course must use evaluation forms approved by the Commission to measure the effectiveness of the program design and operation and instructor effectiveness. The sponsor must return the forms to Commission Education Committee within 15 calendar days.

INSTRUCTOR QUALIFICATIONS

The Commission must approve instructors and determine whether an instructor is qualified as determined by:

- subject-matter competence, which may be evidenced by (a) experience in which "command of subject matter is recognized by the individual's peers," (b) formal education or training, or (c) "demonstrated knowledge through publication in professional journals or appropriate media";
- "ability to demonstrate knowledge and skill in the instructional methodology"; and
- "[a]bility to effectively communicate the educational material to the participants as determined by student evaluations and/or test results from previous instructional assignments."

Persons applying for instructor approval must have five years of full-time experience in real estate-related topic in the area of expertise and must meet at least one of the following qualifications:

- a bachelor's degree, with the exception of pre-licensing law which must have a juris doctorate degree;
- possession of a valid teaching credential or certificate issued in Delaware (or any state with qualifications that equal or exceed Delaware's qualification standards) and/or five years' teaching experience at an accredited public, private or parochial school; and/or five years' teaching experience at an accredited junior college, college or university; or
- a broker's or associate broker's license

The Commission may waive the above requirements upon proof of "collateral experience" in related real estate fields.

In addition to the listed qualifications, the Commission must consider:

- evaluations from previous programs the applicant has taught; and

- recommendations (or absence thereof) from course providers, course coordinators, administrators and institutions that have employed the applicant.

Instructor approval applicants must submit to the Commission an application, a resume and any applicable fees at least 60 days before the employment starting date.

An approved instructor may be certified for two years. An instructor may be certified in more than one subject or topic area, but he or she may teach only courses preapproved by the Commission. Instructor certification cannot be automatically renewed; instructors must reapply by the certification expiration date and before teaching any further courses or programs.

An instructor may receive credit for continuing education for teaching a course, which is a one-time credit per Module taught per licensure period.

PRIOR APPROVAL REQUIREMENTS

Approval timing

A course sponsor or provider must file a course approval application at least 60 days before the date the course is to be held.

Approval after class date

An instructor may teach only courses preapproved by the Commission. However, an individual student may request approval of an educational activity by submitting within 12 months:

- an application form;
- a course outline;
- a qualified instructor's resume; and
- any other documentation the Commission may require.

EXAMINATION

Examination requirements

Only distance-learning courses have an examination requirement. See *Distance learning course approval*, above.

Proctors

No relevant provisions were located.

Regulations amended 2016.

[24-2925 Del. Code Regs. §§ 4.0, 7.0, 8.0, 9.0, 10.0 \(2019\); Module Course Contents \(rev. 2012\)](#)

[Delaware, Continuing Education Requirements](#)

BROKER REQUIREMENTS

Exemptions

In any license period, Delaware Association of Realtors ("DAR") members who serve on the State Government Affairs Committee may earn up to three credits applicable towards legislative update, provided:

- the member attends at least 80 percent of the annual State Government Affairs Committee meetings; and
- the DAR Executive Vice President or President certifies the member's attendance.

An instructor may receive a one-time continuing education credit per Module taught per licensure period.

Real Estate Commission members who attend at least 80% of Commission meetings during a biennial period may receive one hour of CE credit for each meeting attended.

A licensee successfully completing a minimum of six hours of a National Accreditation Program during a renewal period and receiving a recognized designation or providing proof of successful completion of a section towards designation may submit six credit hours to satisfy Modules 6 and 7.

A licensee who successfully completes an approved Delaware broker's licensing course receives 21 hours of continuing education credit which satisfy the CE requirements for the licensing period in which the course was completed.

A licensee will receive 18 hours of CE credit, satisfying Modules 1-4 and 6-7, upon successfully completing a broker's licensing course outside of Delaware consisting of at least 99 hours of education.

For new licensees, no continuing education is required for fewer than six months of licensure. Six hours of continuing education are required after at least six months, but less than 12 months of licensure. Twelve hours are required after 12 months but less than 18 months of licensure. After at least 18 months but less than 24 months of licensure, 18 hours of continuing education are required. After 24 months of licensure, 21 hours of CE are required.

For persons who have successfully completed the pre-licensing course, but have not yet applied for a license, 12 hours of continuing education are required more than 12 months but less than 18 months after course completion. Twenty-one hours are required if more than 18 months have elapsed since course completion, and for each biennial renewal period thereafter.

Required hours

In order to qualify for a real estate license renewal, beginning May 1, 2012, a licensee must have completed twenty-one hours of continuing education within the two-year period immediately preceding the renewal. The licensee's broker must certify to the Commission that the licensee has complied with the necessary continuing education requirements. The licensee must submit this certification form with his or her renewal application and renewal fee.

The continuing education requirements apply to all licensees, whether active or inactive during the

two years before expiration.

Minimum class length

Courses must be at least one hour long, and presented in one hour increments.

Subjects

The required twenty-one hours in the following seven modules, each of at least three hours in length:

- Module 1-Agency and Fair Housing;

- Module 2-Professional Standards;

- Module 3-Real Estate Documents;

- Module 4-Office Management;

- Module 5-Legislative Issues;

- Module 6-Practices of Real Estate; and

- Module 7-Elective Courses.

See generally [Real Estate Continuing Education Requirements \(last visited Oct. 20, 2019\)](#).

Attendance requirements

Attendance is the "minimum requirement" for satisfactory completion of a course. A course sponsor or instructor may establish alternative criteria for evaluating student performance.

Continuing education sponsors or providers:

- are responsible for monitoring "faithful and complete student attendance," which means "attentive presence" for at least 50 minutes of each hour; and
- must arrange for an on-site monitor (which may be a student), who ensures students provide their own signatures on the course roster and advises the provider of any students who do not comply with the "faithful and complete attendance" requirements.

No continuing education credit will be awarded to participants who arrive at a course after the instruction has begun or leave before it is completed.

Online classes

Generally, continuing education courses may be taken through distance education if they have been certified by the ARELLO or the International Distance Education Certification Center before being submitted to the Commission for approval. Students must pass an appropriate examination to successfully complete and receive credit for a distance course. An exam will be deemed appropriate if it contains at least five multiple-choice questions for each hour of credit, with a minimum passing score of 80 percent.

Other requirements

If a licensee fails to renew his or her license before its expiration date, he or she must pay the full license fee and an additional delinquency fee equal to one-half of the license fee. If a licensee fails to renew his or her license within 60 days of its expiration date, the license is cancelled.

ASSOCIATE BROKER REQUIREMENTS

An associate broker must complete the same courses as a broker.

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SALESPERSON OR AGENT REQUIREMENTS

Newly licensed salespersons must complete four modules of continuing education during the first 12 months of licensure in the following four modules, each of which must be at least three hours in length:

- professional standards in real estate;
- agreement of sale-buyer representation;
- real estate documents-seller representation; and
- real estate professionalism.

The twelve hours of continuing education set forth above are also required after at least 12 months but less than 24 months of licensure.

The 21 hours of continuing education described in "BROKER REQUIREMENTS" above, must be completed after the first renewal.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section 2911 amended 2011; § 2919 amended 2011; regulation tit. 24-2925, § 1.0 amended 2001, §§ 4.0, 7.0, 8.0, 10.0 amended 2016; reg. tit. 24-2900, § 13.0 amended 2017.

[Del. Code Ann. tit. 24, §§ 2911, 2919 \(2019\); 24-2900 Del. Code Regs. § 13.0 \(2019\); 24-2925 Del. Code Regs. §§ 1.0, 4.0, 7.0, 8.0, 10.0 \(2019\); New Salesperson Module Course Outline \(rev. 2012\); Module Course Contents \(rev. 2012\)](#)

Delaware, Licensing Categories

BROKER

A "broker" is a person who:

- holds a broker's license from the Commission; and
- for "compensation or valuable consideration, is self-employed or is employed, either directly or indirectly by a Brokerage Organization to sell or offer to sell, or to buy or to offer to buy, or to negotiate the purchase, sale, or exchange of real estate or to lease or rent or offer for rent any real estate, or to negotiate leases or rental agreements thereof or of the improvements thereon for others."

The broker is responsible for providing real estate services and is primarily responsible for the day-to-day management and supervision of a brokerage organization.

ASSOCIATE (OR OTHER) BROKER

A "associate broker" is any individual who is licensed by the Commission as an associate broker and who is licensed under a broker "to sell or offer to sell, or to buy or to offer to buy, or to negotiate the purchase, sale, or exchange of real estate, or to lease or rent or offer for rent any real estate, or to negotiate leases or rental agreements thereof or of the improvements thereon for others."

SALESPERSON

A "salesperson" is a person who:

- holds a salesperson certificate from the Commission; and
- for "compensation or valuable consideration, is employed, either directly or indirectly by a broker, broker owner, broker of record, or brokerage organization to sell or offer to sell, or to buy or offer to buy, or to negotiate the purchase, sale or exchange of real estate, or to lease or rent or offer for rent any real estate, or to negotiate leases or rental agreements thereof or of the improvements thereon, as a whole or partial vocation."

SPECIALIST CATEGORIES

No relevant provisions were located.

Section amended 2011.

[Del. Code Ann. tit. 24, § 2902 \(2019\)](#)

Delaware, Licensing Exemptions

Delaware real estate licensing statutes do not apply to:

- a person who, as owner or lessor, performs any of the acts that would otherwise require licensing, on property owned or leased by that person or "to the regular employee thereof, with respect to the property so owned or leased, where such acts are performed in the regular course of or as an incident to" managing the property and investing in it;
- a person acting as attorney-in-fact under a power of attorney from the owner authorizing a the final consummation of a real estate transaction;
- the services rendered by an attorney-at-law;
- a receiver, bankruptcy trustee, administrator or executor, acting as such;
- a person selling real estate pursuant to a court order;
- an auctioneer;
- a property management services provider, except that a property management services provider may not "directly or indirectly sell or offer to sell, buy or offer to buy, negotiate the purchase, sale, or exchange of real estate, lease or rent or offer for lease or rent any real estate, or negotiate leases or rental agreements thereof or of the improvements thereon for others"; or

- a trustee acting under a trust agreement, deed of trust or will, or his or her "regular salaried employee."

Section amended 2011.

[Del. Code Ann. tit. 24, § 2901 \(2019\)](#)

Delaware, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

The Commission will consider the license application of any person who has successfully completed an accredited broker pre-licensing course through an approved course provider. The course must be retaken if the applicant fails to pass the broker examination in three or less attempts.

Within twelve months of completing the broker pre-licensing course, the applicant must submit an application and, if the applicant does not, he or she must submit evidence of completion of continuing education prorated pursuant to rule 13.2.2. If the applicant is an actively licensed broker in another jurisdiction, broker pre-licensing course hours completed in that jurisdiction may be used towards the course-hour requirement. Such courses are not subject to the 12-month requirement.

Service in "lower" category

An applicant must hold an active license in Delaware or another jurisdiction for the five continuous years immediately before he or she applies for a broker's license. If a licensee fails to renew his or her license by its expiration date, the required five-years' continuity is not broken if he or she applies for reinstatement within 60 days of the expiration date and the Commission approves the reinstatement application.

An applicant must submit to the Commission a signed list of at least 30 sales or lease transactions completed by the applicant in a licensed capacity during the five years immediately preceding application, showing dates, location, purchaser/lessee and seller/lessor names, and whether completed by the applicant or designated agent subordinates. If the applicant is a designated agent or team leader and has directly supervised licensees who completed the transactions, such transactions may be included. Upon Commission approval, the transactions may include real estate

services performed for an employer. Transactions involving time-shares or property management do not qualify.

A broker license applicant must also submit evidence that he or she has been actively engaged in the practice of real estate services, either as a licensed salesperson or associate broker for three years immediately preceding application.

Waiver of qualifications for some professionals

The Commission may grant exceptions to the licensing requirements contained in Delaware rules and regulations, upon "a showing of good cause by the party requesting such exception, provided such exception is not inconsistent with the requirements of 24 Del.C. Ch. 29."

The Commission may also waive any broker licensing requirements upon evidence that the applicant "possesses sufficient experience in the real estate business or demonstrates collateral experience to the Commission."

Annual fees and filings

Biennially (even-numbered years), a certificate holder must apply to the Commission for a renewal certificate and pay the required fees. The amount to be charged for each fee imposed must "approximate and reasonably reflect all costs necessary to defray" the Commission's expenses and the "proportional expenses incurred by the Division of Professional Regulation in its services on behalf of the Commission." At the beginning of each calendar year the Division of Professional Regulation, or another state agency acting on its behalf, computes, for each service or activity, the appropriate fee for the coming year.

A license may be renewed on a late basis for a period of 60 days after June 1 with the payment of a late fee.

Each licensee entitled to renew his or her certificate must pay, in addition to the appropriate renewal fee, an additional one-time fee of \$25 to be credited to the Real Estate Guaranty Fund. If the balance in that fund falls below \$250,000, the Commission, at the next certificate renewal date, must assess each real estate licensee a pro rata fee in the amount necessary to return the fund to \$250,000.

The Commission will reinstate a cancelled license only after the licensee pays the necessary fees and passes any examinations required by the Commission.

Applicant investigation

No applicant for a real estate license may have a criminal conviction record or pending criminal

charge in connection with a charge substantially related to providing real estate services, nor have been convicted of fraud. Applicants with criminal convictions or pending charges must request appropriate authorities to provide information to the Commission in sufficient specificity to enable the Commission to determine whether the charge or conviction is substantially related to the applicant's area of practice. A list of numerous crimes deemed substantially related to the practice of real estate services in Delaware without regard to the place of conviction is found in Rule 15.0.

After a hearing or document review demonstrating that the applicant meets specified criteria for a waiver, the Commission waive this requirement if it finds:

- for waiver of a felony conviction, (a) more than five years have elapsed since the date of conviction; (b) at the time of the application the applicant is not incarcerated, on work release, probation or parole, or serving any part of a suspended sentence; and (c) the applicant is in substantial compliance with all court orders regarding fines, restitution and community service;
- for waiver of a misdemeanor conviction or violation, (a) at the time of the application the applicant is not incarcerated, on work release, probation or parole, or serving any part of a suspended sentence; and (b) the applicant is in substantial compliance with all court orders regarding fines, restitution and community service;
- the applicant is capable of providing real estate services in a competent and professional manner; and
- the granting of the waiver will not endanger public health, safety or welfare.

Examinations

A person applying for a broker license must pass, in no more than three attempts, both the general and Delaware portions of the broker real estate examination through a Commission-approved professional testing service.

The Commission will reinstate an expired license only after the licensee pays the necessary fees, including the delinquency fee, and passes any examinations required by the Commission. If the licensee fails to apply for renewal within six months of the expiration date, he or she must take the state portion of the examination. If the licensee fails to apply for renewal before the next renewal

period commences (two years), the licensee must pass both the state and general portions of the examination.

Other prerequisites

An application must be accompanied by the appropriate fees, except that the guaranty fund fee is not required if it has already been paid when obtaining a salesperson license.

A certificate applicant must:

- provide the information required on the application form, which may not require the applicant's picture, information relating to citizenship, place of birth, length of state residency or personal references;
- submit a copy of the original school certificate(s) provided at completion of the broker pre-licensing course;
- if licensed in another jurisdiction, submit a copy of that license and a licensure history dated within 30 days of the application;
- submit a completed application for a real estate office permit along with permit fees;
- submit evidence that the applicant has complied with and will continue to comply with the escrow account provisions of Delaware law and Commission rules; and
- attest that he or she is responsible for the day-to-day management and supervision of the office.

An applicant for a broker's license must be at least twenty-three years old.

No real estate license applicant:

- may have any drug or alcohol related impairment or finding of mental incompetency by a physician that limits the applicant's ability to practice in a manner consistent with the public's safety; or
- shall have received any administrative penalties regarding real estate services in Delaware or any other jurisdiction, although the Commission may, after hearing, determine whether the penalty is grounds to deny licensure.

Reciprocity

Upon submission of an application and payment of appropriate fees, the Commission will grant a license to an applicant who presents proof of current licensure in good standing in another jurisdiction. An applicant for a sales person's license must:

- present proof of at least three years of continuous licensure preceding the application and completion of at least 20 sale or lease transactions within those three years and proof of having passed the Delaware portion of the licensing examination;
- have successfully completed the Delaware law portion of the pre-licensing course and passed the Delaware portion of the licensing examination; or
- have successfully completed the equivalent of the prescribed pre-licensing education in the other jurisdiction and have passed the state portion of the Delaware examination.

An applicant for an associate broker license must meet the above requirements and:

- be at least twenty-three years old;
- submit proof of at least 30 sale or lease transactions completed by the applicant in a licensed capacity within the five years immediately preceding application;

- have the experience requirements set forth in the Commission rules;
- have the financial prerequisites set forth in the Commission rules; and
- have passed the state portion of the broker's examination.

An applicant for a broker's license must:

- meet the requirements stated above for an associate broker;
- submit evidence that the broker has and will continue to comply with the Escrow Account provisions;
- submit verification of his or her responsibility for the day-to-day management and supervision of a brokerage organization; and
- meet the experience and education requirements set forth in the rules.

An applicant applying for licensure in an office outside of Delaware must, prior to licensure, give irrevocable consent that legal service may be commenced against the applicant in a Delaware court by service upon any member of the Commission.

Corporate licensees

No brokerage organization, corporation, partnership or other entity may be licensed. Although entities will not be licensed, nothing prevents a brokerage organization from providing real estate services, if the individual or business entity has a broker who is responsible for providing real estate services and who may have affiliated Delaware-licensed associate brokers or salespersons who provide services under the broker's supervision.

Local regulation

A county, municipality, or other political subdivision may "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:"

- listing real estate for sale;
- representing buyers in the purchase of real estate; or
- rental of real estate for property owners or tenants unless the property is in a city with a population over 50,000.

ASSOCIATE (OR OTHER) BROKER QUALIFICATIONS

The requirements for obtaining an associate broker license are the same as for a broker, except that an applicant for an associate broker license need not submit a verification of management and supervision, evidence of compliance with escrow account provisions or an application for a real estate office permit.

See BROKER QUALIFICATIONS above for qualifications and other requirements applying to all applicants.

SALESPERSON QUALIFICATIONS

Education

The Commission will consider the license application of any person who has successfully completed an accredited salesperson pre-licensing course through an approved course provider. The course must be retaken if the applicant fails to pass the salesperson examination in three or less attempts.

Within 12 months of completing the salesperson pre-licensing course, the applicant must submit an application, and if the applicant does not, he or she must submit evidence of completion of continuing education prorated pursuant to rule 13.2.2.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

The Commission may grant exceptions to the licensing requirements contained in Delaware rules and regulations, upon "a showing of good cause by the party requesting such exception, provided such exception is not inconsistent with the requirements of 24 Del.C. Ch. 29."

Annual fees and filings

All real estate licensees are subject to the same annual fee and filing requirements. (See BROKER QUALIFICATIONS above.)

Applicant investigation

All real estate licensees are subject to the same investigation requirements. (See BROKER QUALIFICATIONS above.)

Examinations

A person applying for a salesperson license must pass, in no more than three attempts, both the general and Delaware portions of the salesperson real estate examination through a Commission-approved professional testing service.

The Commission will reinstate an expired license only after the licensee pays the necessary fees, including the delinquency fee, and passes any examinations required by the Commission. If the licensee fails to apply for renewal within six months of the expiration date, he or she must take the state portion of the examination. If the licensee fails to apply for renewal before the next renewal period commences (two years), the licensee must pass both the state and general portions of the examination.

The Commission will not consider a person whose license has been revoked for a new license until at least two years from the revocation date, at which time he or she must:

- pass the real estate course for salespersons;
- take and pass the Commission's examination for salespersons; and
- meet any other criteria established by the Commission.

Other prerequisites

An application must be accompanied by the appropriate fee.

An application for a salesperson license must:

- not require the applicant's picture, information relating to citizenship, place of birth, length of state residency or personal references;
- submit a copy of the original school certificate(s) provided at completion of the salesperson pre-licensing course;
- if licensed in another jurisdiction, submit a copy of that license and a licensure history dated within thirty days of the application; and
- include written acceptance by a sponsoring broker.

The applicant must be at least 18 years old.

See BROKER QUALIFICATIONS above for other requirements applying to all applicants.

SPECIALIST QUALIFICATIONS

No relevant provisions were located.

Section 2939 enacted 2019; all other statutes amended 2011; regulatory sections all amended 2012, except §§ 1.1.3, 12.0, 15.0 amended 2017 and § 8.0 amended 2015.

[Del. Code Ann. tit. 24, §§ 2906, 2907, 2908, 2909, 2910, 2911, 2922, 2924, 2939 \(2019\); 24-2900 Del. Code Regs. §§ 1.1.3, 2.0 to 5.0, 8.0, 11.0, 12.0, 15.0 \(2019\)](#)

District of Columbia

District Of Columbia, Continuing Education Approval

PROVIDER

General requirements

The [District of Columbia Real Estate Commission](#) ("Commission") has discretion to approve continuing education programs that "contribute to the growth in professional competence of a real estate broker, real estate salesperson, or property manager," and meet the other code requirements. Unless a school or organization offering a program or course is exempt from the accreditation requirements of the Educational Licensure Commission, the school or organization must be certified or licensed.

The Commission may approve the following types of continuing education programs, provided they meet the requirements of § 2607.8:

- seminars or workshops;
- educational programs at a conference, institute or academy;
- undergraduate or graduate courses at an accredited college or university; or
- approved distance learning courses.

To obtain Commission approval for continuing education credit, a program must meet the following requirements:

- the program must contribute to the participants' "professional competence";
- the program must be directly related to increasing the participants' real estate knowledge and skills;
- the stated program objectives must specify a knowledge or competency level the participant should have attained upon completing the program;
- "persons qualified in the subject matter and in instructional design" must have developed the program;
- the Commission must have approved the instructor;
- the content must be "current in its subject matter";
- all providers must have a written evaluation system for the students to evaluate the activity and the instructor at the end of each offering, which forms must accompany the application and must be kept by course providers for four years; and
- the sponsor must agree to allow the Commission to conduct an audit of the evaluations at any time.

Programs must have a minimum of one instructional hour.

Approval applications

A continuing education sponsor must submit a completed application to the Commission at least 60 days before the presentation date. The sponsor must submit for Commission approval any

significant changes in content or instructor at least 30 days before the change.

A sponsor of an approved continuing education program may apply for renewal by submitting a renewal application and, in alternate renewal cycles, providing an updated syllabus that outlines the course content.

Distance learning course approval

The Commission may approve distance-learning courses for continuing education, provided the programs meet the general course requirements of § 2607.8 and have been approved pursuant to § 2607.9.

The Commission may approve distance-learning courses certified by the Association of Real Estate Licensing Law Officials ("ARELLO") if the Commission receives appropriate documentation that the ARELLO certification is in effect, that the distance-learning course meets the content requirements of § 2607.8, and that the course meets the following requirements:

- a distance-learning course must have a "mastery-based format," which means it must have at least one objective, a method for measuring student progress, interactive delivery formats and a delivery format that does not deliver course material in a passive, text-only format that consists primarily of questions similar to those found on the licensing examination;
- a distance learning course must be equivalent to in-class continuous instruction and attendance formats; and
- an ARELLO-approved distance-learning provider that is located outside of the District of Columbia must offer courses through the District based and approved distance-learning providers.

The Commission will revoke distance-learning approval immediately if ARELLO certification is discontinued for any reason.

A student must complete a distance-learning course within three months of his or her enrollment date.

Advertising

A continuing education sponsor has "the burden of verifying whether the Commission . . . has approved a program" before advertising the program as being Commission-approved.

Student records

Within 10 days after completing a continuing education program, the program sponsor must forward to the Commission on the sponsor's letterhead, a list of all participants, including each participant's license number and employing broker's name and address.

A program sponsor must retain records of the following for at least five years:

- the program outline;
- the program dates and locations;
- the instructors; and
- the number of instructional hours.

Certificates of completion

An applicant must prove completion of required continuing education credits by submitting with his or her renewal application a certification of completion that includes the following:

- the sponsor's name and address;
- the program's name, location, subject matter and instructors' names;
- the dates on which the applicant attended the program;
- the credit-hours claimed; and

- a verification of completion with the sponsor's signature or stamp.

A program sponsor must issue a certificate of successful completion to a licensee who completes the program, but may not issue a certificate to a licensee who fails to complete the entire program.

Other submissions

No relevant provisions were located.

CONTENT

To obtain Commission approval for continuing education credit, a program must:

- contribute to the participants' "professional competence";
- be directly related to increasing the participants' real estate knowledge and skills;
- specify a knowledge or competency level the participant should have attained upon completing the program;
- have a Commission-approved instructor; and
- the content must be "current in its subject matter."

MATERIALS

To obtain Commission approval for continuing education credit, a program must have a written evaluation system for the students to evaluate the activity and instructor at the end of each offering, which forms must accompany the application and must be kept by course providers for four years.

INSTRUCTOR QUALIFICATIONS

To obtain Commission approval for continuing education credit, "persons qualified in the subject matter and in instructional design" must have developed the program and the Commission must have approved the instructor. The sponsor must submit for Commission-approval any significant changes in content or instructor at least 30 days before the change.

PRIOR APPROVAL REQUIREMENTS

Approval timing

A continuing education sponsor must submit a completed application to the Commission at least 60 days before the presentation date for each program for which the sponsor seeks approval. The sponsor must submit to the Commission any significant changes in program content or instructor at least 30 days before the change. A sponsor of an approved program must reapply for approval at least 60 days before the beginning of the next license renewal period.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

No generally applicable examination requirements were located. However, a distance learning course must have a "mastery-based format," which means, among other things, that it must have at least one method for measuring student progress.

Proctors

No relevant provisions were located.

Sections amended 2013.

[D.C. Mun. Regs. tit. 17, §§ 2605, 2607 \(2019\)](#)

District Of Columbia, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

Licensees who hold equivalent licenses in another jurisdiction may, at the Commission's discretion, substitute continuing education credit completed in the other jurisdiction for the District of

Columbia general elective continuing education requirements if the licensee earned those credits during the two-year period preceding the date the District's license expires.

Required hours

The continuing education requirements apply to all renewal-license applicants, except those seeking the first renewal of a license granted by examination.

An applicant for renewal of a real estate broker's license expiring on February 28 of each odd year must submit proof that the applicant has completed at least 15 hours of acceptable continuing education credit during the two-year period preceding the expiration date. Nine of these hours must consist of mandated courses, and six of the hours must consist of approved general elective courses.

An applicant for renewal of an expired license or reinstatement of a suspended or revoked license must submit proof of having completed all continuing education credits that the applicant would have been required to take per licensing cycle if the applicant's license had not been revoked, suspended or expired. A renewal applicant who fails to submit proof of having completed the continuing education requirements by or before the expiration date may renew the license within 60 days after expiration by submitting the required documentation and paying the required late fee. If a renewal applicant fails to submit proof of completing the continuing education requirements within 60 days after his or her license has expired, the license is deemed to have lapsed on the expiration date, and the applicant must apply for reinstatement of the expired license. The Commission may grant an extension of the 60-day period to renew after expiration "if the applicant's failure to submit proof of completion was for good cause." In this context, "good cause" includes proof of the following:

- the applicant has a "serious and protracted illness" and submits a doctor's statement verifying the illness;
- a member of the applicant's immediate family dies or has a "serious and protracted illness" that resulted in the applicant's inability to complete the continuing education requirements within the specified time; or

- an applicant who is at least 70 years old is unable to complete the requirements within the specified time due to his or her age.

Minimum class length

Programs must have a minimum of one instructional hour.

Subjects

Nine of the required continuing education hours must consist of mandated courses, and six of the hours must consist of approved general elective courses.

The Department of Consumer and Regulatory Affairs has listed the following required subjects for the 2017-19 licensing cycle:

- 3 hours DC fair housing;
- 3 hours DC legislative update; and
- 3 hours DC ethics.

Attendance requirements

A program sponsor may not issue a certificate of completion to a licensee who fails to complete the entire program.

Online classes

An applicant may satisfy the general elective course portion of the continuing education requirement by taking approved distance-learning courses. A student must complete a distance-learning course within three months of his or her enrollment date.

Other requirements

Licensees are responsible for ensuring that continuing education courses taken to satisfy the Commission's renewal or reinstatement requirements are Commission certified or approved.

A renewal applicant must prove completion of the required continuing education credits by submitting a certification of completion that includes the following:

- the sponsor's name and address;
- the program's name, location and subject matter;
- the instructors' names;
- the dates on which the applicant attended the program;
- the credit-hours claimed; and
- a verification of completion containing the sponsor's signature or stamp.

ASSOCIATE BROKER REQUIREMENTS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON OR AGENT REQUIREMENTS

A real estate salesperson's continuing education requirements are the same as for brokers (see "BROKER REQUIREMENTS" above), except that a real estate salesperson's license expires on August 31 of each odd year.

SPECIALTY LICENSE REQUIREMENTS

Property Managers

A real estate property manager's continuing education requirements are generally the same as for brokers (see "BROKER REQUIREMENTS" above), except that a real estate property manager's license expires on February 28 of each odd year. In addition, a licensee applying to renew a property manager's license who also possesses an active real estate broker's or salesperson's license is considered to have satisfied the continuing education requirements for renewing the property

manager license if the licensee has satisfied the renewal requirements for his or her broker's or salesperson's license.

Sections 2603, 2621 amended 2010; §§ 2605, 2607 amended 2013.

[D.C. Mun. Regs. tit. 17, §§ 2603, 2605, 2607, 2621 \(2019\)](#)

District Of Columbia, Licensing Categories

BROKER

A "real estate broker" means any person, firm, association, partnership or domestic or foreign corporation that:

- for consideration, "lists for sale, or sells, exchanges, purchases, rents, or leases real property"; and
- may employ brokers, associate brokers, salespersons, property managers and resident managers.

A broker may also:

- collect or offer to collect real estate rent or income;
- negotiate a loan secured by a mortgage, deed of trust or other encumbrance;
- engage in the business of erecting housing for sale and sell or offer to sell that housing; and
- as owner, sell or offer to sell or negotiate the sale of a lot in any subdivision with five or more lots.

This definition does not apply to the sale of space for advertising real estate in a newspaper, magazine or other publication.

A broker is accountable for the day-to-day job-related activities of his or her employees.

ASSOCIATE BROKER

An "associate real estate broker" is a person licensed as a broker who "is employed by a real estate broker, franchise firm, association, business, or corporation, but who is not a partner, an officer or a principal broker within a licensed legal entity."

SALESPERSON OR AGENT

A "real estate salesperson" is a person employed by a licensed real estate broker to do the following:

- to manage or lease real estate;
- to rent or offer to lease or rent real estate;
- to list, sell, buy or offer real estate;
- to negotiate a real estate purchase, sale or exchange; or
- to negotiate a real estate loan.

SPECIALIST CATEGORIES

Property manager

A "property manager" is an agent for a real estate owner in all matters pertaining to property management who is paid for his or her services. A property manager may employ resident managers and is accountable for the day-to-day job-related activities of the property manager's employees.

A property manager may not "perform any activities that relate to listing for sale, offering for sale,

buying or offering to buy, negotiating the purchase, sale, or exchange of real estate, or negotiating a loan on real estate" for consideration.

Sections enacted 1999.

[D.C. Code §§ 47-2853.141, .161, .171 \(2016\)](#)

District Of Columbia, Licensing Exemptions

Unless otherwise provided, the following are exempt from the District's licensure requirements:

- a receiver, referee, administrator, executor, guardian, conservator, trustee, person appointed or acting under court order or an attorney-at-law in the ordinary practice of their profession, provided the above are not regularly engaged in the real estate business and do not hold themselves out as real estate brokers, salespersons or property managers;
- an individual who, as a real estate owner or lessor, performs real estate acts in the regular course of, or incident to, managing real estate, business and investments he or she owns;
- a trustee or auctioneer acting under the authority of a power of sale;
- a bank, trust company, building and loan or savings and loan association or insurance company (but not a title company), with a fiduciary interest;
- a person employed by a licensed real estate broker or property manager in a "solely stenographic or clerical capacity and who does not perform, offer, agree, or attempt to perform" real estate activities;
- a government officer or employee performing his or her official duties, or "any person, or employee thereof, who is employed on a contractual or other basis, by the United States or District government to make appraisals of real estate for real property tax or other government purposes";

- a person who, for consideration, "identifies for another person, or provides any other information about, any rental unit available for rent"; or
- a "qualifying nonprofit housing organization as defined by § 47- 3505(a)."

A person need not possess a property manager's license to perform the following actions:

- to deliver a lease application, lease or lease amendment to any person;
- to receive a lease application, lease, lease amendment, security deposit or rent or related payment for delivery to a property manager;
- to show a rental unit;
- to provide information about a rental unit, lease, lease application, security-deposit status or rent payment to any person;
- to assist another in performing property management functions by "carrying out ministerial, administrative, or clerical tasks";
- to conduct other actions that "do not create or offer to create a contractual obligation on the person's employer"; or
- perform acts in the "regular course of, or incident to, the management of real estate, business, and the investments therein owned by that person."

Section 47-2853.181 amended 2006; regulation 2624 amended 2010.

[D.C. Code § 47-2853.181 \(2019\); D.C. Mun. Regs. tit. 17, § 2624 \(2019\)](#)

District Of Columbia, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A real estate licensee must be a high school graduate or hold a high school equivalency certificate.

All broker applicants must furnish at the time of filing an application, evidence of satisfactory completion of the approved courses, as required by regulatory section 2606. The coursework must consist of at least 135 clock hours and include the following subject areas:

- real estate and fair-housing law;
- real property ownership and transfer;
- broker principles and practices;
- agency relationships;
- real estate appraisal and financing;
- D.C. real estate licensing laws and regulations; and
- the ethics code.

Service in "lower" category

A broker's license applicant must establish that, in addition to meeting all requirements for a real estate salesperson, he or she:

- has been licensed and "actively engaged" as a broker or salesperson in the District or elsewhere during the two years immediately preceding the application date; or
- has equivalent experience acceptable to the Commission.

The [Real Estate Commission](#) accepts the following as proof of two years' equivalent experience:

- certification by a licensed real estate broker; or
- certification by the real estate Commission of the jurisdiction in which the applicant is licensed.

Waiver of qualifications for some professionals

As an alternate to the two-year experience requirement referenced above, a broker's license applicant is deemed to have equivalent experience if he or she has been actively engaged in the real estate business for at least two continuous years before receiving his or her broker's or salesperson's license and actively involved in six "verified real estate transactions per year" in one or more of the following capacities:

- a builder;
- an investor;
- a land or condominium developer;
- an attorney; or

- a related occupation, provided the applicant worked at least 1920 hours per year for two consecutive years in (a) a field "directly related" to acquiring, financing or conveying real estate; or (b) positions in which the applicant has been directly involved in the real estate business, including acting as the decision-making authority as a loan or trust officer, a real estate officer of a corporation that is not a licensed real estate broker, a title insurance company officer closing escrow accounts and conducting real estate closings, or a real estate appraiser.

Annual fees and filings

A real estate broker's license expires on February 28 of each odd year. A renewal applicant must submit proof that he or she has completed at least 15 hours of acceptable continuing education credit during the two-year period preceding the expiration date.

A license or certificate issued to a broker, associate broker or property manager between January 1 and February 28 of an odd-numbered year is valid through the end of the two-year licensing period beginning on March 1 of that year. The Commission may change the license cycle for administrative convenience, in which case the term of a license that is in effect on the date of the Commission's change may be extended up to three years to permit an orderly transition.

Generally, every real estate licensee must pay, on renewal and in addition to any other required fees, a sum determined by the Mayor for deposit into the Real Estate Guaranty and Education Fund ("Fund"). A person on inactive status is not subject to the renewal fee. In addition to paying other applicable fees,

- an original license applicant generally must pay \$60 into the Fund, except that an applicant for a license in the second year of the license period must pay \$30 into the Fund; and
- upon renewal of a license, the licensee generally must pay \$60 into the Fund.

However, the Fund must maintain a balance of between \$1,040,000 and \$3,500,000, and the Commission must suspend payments into the fund if on the prior October 1, the Fund balance is within \$50,000 of the maximum, or assess each licensee up to \$50 during any license year if the Fund falls below the minimum amount.

A licensee who fails to renew before the expiration date may renew his or her license within 60 days upon paying the required late fee. If a licensee fails to renew the license within 60 days, the license is deemed to have lapsed on the expiration date, and the holder must apply for reinstatement and pay the required reinstatement fee.

The licensing fee for brokers, salespersons and property managers is \$295, which includes the Guaranty Fund fee.

Applicant investigation

No specifically relevant provisions were located.

Examinations

Applicants for a broker's license must furnish evidence of having satisfactorily completed and scored at least 75 on an examination. Within six months of passing the examination, the applicant must pay the required fees and comply with the filing requirements.

An applicant whom the Commission determines may be licensed as a broker by waiver or reciprocity under § 2611 must pass the "D.C. Real Estate Law Examination" and complete an approved D.C. fair-housing course.

Other prerequisites

A broker's license applicant must establish to the Commission's satisfaction that the applicant:

- meets all requirements for a real estate salesperson; and
- has been "licensed and actively engaged in business as a real estate broker or salesperson in the District or elsewhere" for the two years immediately preceding the application date, or has acceptable equivalent experience.

If a broker maintains more than one place of business within the District, the Commission must issue a duplicate license to the broker for each office.

A broker license application must:

- be in writing on an application prescribed and provided by the Commission;

- if the applicant is an individual, include a business and a home addresses other than a post office box number, and if the applicant is not an individual, include a business address that is not a post office box;
- be accompanied by the proper fees and all required documents; and
- be "sworn to or affirmed before a notary public or, if applicable, by electronic signature or other authentication methods as authorized by the Council and the Mayor."

All real estate applicants

- must be at least 18 years of age;
- may not have been convicted of "an offense that bears directly" on the applicant's fitness to be licensed;
- must complete the statutory and regulatory licensing requirements;
- must be a high school graduate or hold a high school equivalency certificate;
- must be able to read, write and understand English;
- may not have had a real estate license denied for any reason other than failure to pass an examination for one year before the application date;
- may not file a renewal application if the Commission has suspended the applicant's license and the suspension is in effect on the renewal application date; and

- may not have had a real estate license revoked during the three years before the application date.

The Commission may refuse to issue or renew a license if the applicant's name is misleading, would constitute false advertising, implies an entity where one does not exist or otherwise does not conform to the standards contained in § 47-2853.185.

A licensee may remain on inactive status for a period not to exceed five consecutive years. If a person has been on inactive status for five years or more he or she is considered a new applicant and must meet all current requirements for licensure, unless the Commission determines that the failure to renew during the inactive period was due to reasonable cause or excusable neglect.

Corporate licensees

A person licensed as a real estate broker may, upon written request to the Mayor, change his or her status from real estate broker to a member, partner, trustee or officer of an entity or to an associate real estate broker with a corporation, for any unexpired portion of his or her license term, upon the payment of the required fees.

A broker's license may not be issued to an entity unless the Mayor finds as follows:

- the applicant is "organized and exists pursuant to applicable District and federal laws";
- every "member, partner, trustee, or officer" engaged in real estate activities is licensed;
- every employee who will "render professional services" holds a valid license or certificate;
and
- a licensed broker manages every branch office.

ASSOCIATE BROKER QUALIFICATIONS

The licensing prerequisites for an associate broker are generally the same as for a broker. (See "BROKER REQUIREMENTS" above.)

A broker who wishes to change his or her status to that of an associate real estate broker must notify the Commission by certified mail.

SALESPERSON OR AGENT QUALIFICATIONS

Education

A real estate licensee must be a high school graduate or hold a high school equivalency certificate.

Regulation 2602, which by title addresses prerequisites for salesperson's licenses, confusingly refers to requirements for an "applicant for licensure as a real estate broker," which are addressed by title in regulation 2601. Pursuant to regulation 2602, an applicant must establish to the Commission's satisfaction that the applicant:

- can read, write and understand English;
- is a high school graduate or holds a high school equivalency certificate; and
- has successfully completed an approved course of study.

Unless the application is based on waiver or reciprocity pursuant to § 2611, all salesperson's license applicants must furnish evidence of having satisfactorily completed a course in the "Principles and Practices of Real Estate." The course must consist of at least 60 clock hours that are distributed by topic as specifically required by regulation 2602.3.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

No specifically relevant provisions were located, except that the Commission may waive requirements pursuant to regulation 2611, which addresses reciprocity.

Annual fees and filings

A salesperson's license expires on August 31 of each odd-numbered year. The Commission may change the license cycle for administrative convenience, in which case a license in effect on the change date may be extended up to three years in order to permit an orderly transition.

Generally, every real estate licensee must pay, on renewal and in addition to any other required fees, a sum determined by the Mayor for deposit into the Real Estate Guaranty and Education Fund ("Fund"). A person on inactive status is not be subject to the renewal fee.

In addition to paying other applicable fees,

- an original license applicant must pay \$60 into the Fund, except that an applicant for a license in the second year of the license period must pay \$30 into the Fund; and
- upon renewal of a license, the licensee must pay \$60 into the Fund.

However, the Fund must maintain a balance of between \$1,040,000 and \$3,500,000, and the Commission must suspend payments into the fund if on the prior October 1, the Fund balance is within \$50,000 of the maximum, or assess each licensee up to \$50 during any license year if the Fund falls below the minimum amount.

A licensee must provide the Commission with a street address for the licensee's residence and notify the Commission in writing of any change of home or business address within 30 days.

A licensee who fails to renew before the expiration date may renew his or her license within 60 days upon paying the required late fee. If a licensee fails to renew the license within 60 days, the license is deemed to have lapsed on the expiration date, and the holder must apply for reinstatement and pay the required reinstatement fee.

Applicant investigation

No relevant provisions were located.

Examinations

Pursuant to regulation 2602, unless the Commission grants a waiver, an applicant must pass a Commission examination with a score of at least 75 percent or pass another examination acceptable to the Commission.

A salesperson's license applicant who has passed the required examination must submit an application with the required fees within six months of passing the examination. An applicant who

fails to do so must retake and pass the examination.

An applicant that the Commission determines is eligible for a salesperson's license by waiver or reciprocity must take and pass the "D.C. Real Estate Law Examination" and a Commission-approved D.C. fair-housing course.

Other prerequisites

An applicant for a salesperson's license must show that he or she:

- can read, write and understand English;
- is a high school graduate or holds a high school equivalency certificate;
- has successfully completed an approved course of study;
- has passed the examination (or examinations) given by the Commission or any other examination acceptable to the Commission;
- has not had a real estate license application denied, for reasons other than failing to pass the required examination within one year before the application date;
- has not had a real estate license suspended, if the suspension is still in effect on the application date; and
- has not had a real estate license revoked during the three years before the application date.

A salesperson's license application must:

- be in writing on an application prescribed and provided by the Commission;

- include a business and a home addresses other than a post office box number;
- be accompanied by the proper fees and all required documents; and
- be "sworn to or affirmed before a notary public or, if applicable, by electronic signature or other authentication methods as authorized by the Council and the Mayor."

All real estate license applicants:

- must be at least 18 years old;
- may not have been convicted of "an offense that bears directly" on the applicant's fitness to be licensed;
- must complete the statutory and regulatory requirements for licensure;
- must be a high school graduate or hold a high school equivalency certificate;
- must be able to read, write and understand English;
- may not have had a real estate license denied for any reason other than failure to pass an examination for one year before the application date;
- may not file a renewal application if the Commission has suspended the applicant's license and the suspension is in effect on the renewal application date; and

- may not have had a real estate license revoked during the three years before the application date.

The Commission may refuse to issue or renew a license if an applicant's name is misleading, would constitute false advertising, implies an entity where one does not exist or otherwise does not conform to the standards contained in § 47-2853.185.

A licensee may remain on inactive status for a period not to exceed five consecutive years. If a person has been on inactive status for five years or more he or she is considered a new applicant and must meet all current requirements for licensure, unless the Commission determines that the failure to renew during the inactive period was due to reasonable cause or excusable neglect.

SPECIALIST QUALIFICATIONS

Property Managers

Education

A real estate licensee must be a high school graduate or hold a high school equivalency certificate. Persons licensed as real estate brokers in the District are deemed to have satisfied the educational and examination requirements for a property manager's license.

Service in "lower" category

No specifically relevant provisions were located. (See "BROKER REQUIREMENTS" above.)

Waiver of qualifications for some professionals

No specifically relevant provisions were located. (See "BROKER REQUIREMENTS" above.)

Annual fees and filings

No specifically relevant provisions were located. (See "BROKER REQUIREMENTS" above.) A license or certificate issued to a real estate property manager between January 1 and February 28 of an odd-numbered year is valid through the end of the two-year licensing period beginning on March 1 of that year.

Applicant investigation

No specifically relevant provisions were located.

Examinations

A property manager's license application must establish that the applicant has passed an examination (or examinations) given by the Commission or passed any other acceptable examination. An applicant who has passed the required examination must submit an application with the required fees within six months of passing the examination. An applicant who fails to do so must retake and pass the examination.

A person licensed as a real estate broker is deemed to have satisfied the examination requirements for licensure as a property manager.

Other prerequisites

A property manager's license applicant must show that he or she:

- can read, write and understand English;
- has passed the examination (or examinations) given by the Commission or any other examination acceptable to the Commission;
- is a high school graduate or holds a high school equivalency certificate;
- has successfully completed an approved course of study;
- has not had a property manager's license denied, for reasons other than failing to pass the required examination within one year before the application date;
- has not had a property manager's license suspended, if the suspension is still in effect on the application date; and

- has not had a property manager's license revoked during the three years before the application date.

Persons licensed as real estate brokers are deemed to have satisfied the educational and examination requirements for property manager licensure.

A property manager's license applicant must:

- furnish evidence of satisfactory completion of an approved examination;
- submit a completed application;
- include the applicant's business and home addresses, which may not be a post office box;
- have the application sworn to or affirmed before a notary public;
- pay the required application fee; and
- meet the requirements for licensure set forth in regulation 2610 and §§ 47-2853.12(a) (general non-health related licensing requirements regarding fitness to be licensed) and 47-2853.142(a) (described above).

All real estate license applicants:

- must be at least 18 years of age;
- may not have been convicted of "an offense that bears directly" on the applicant's fitness to be licensed;

- must complete the statutory and regulatory requirements for licensure;
- must be a high school graduate or hold a high school equivalency certificate;
- must be able to read, write and understand English;
- may not have had a real estate license denied for any reason other than failure to pass an examination for one year before the application date;
- may not file a renewal application if the Commission has suspended the applicant's license and the suspension is in effect on the renewal application date; and
- may not have had a real estate license revoked during the three years before the application date.

The Commission may refuse to issue or renew a license if the name is misleading, would constitute false advertising, implies an entity where one does not exist or otherwise does not conform to the standards contained in § 47-2853.185.

A licensee may remain on inactive status for a period not to exceed five consecutive years. If a person has been on inactive status for five years or more, he or she is considered a new applicant and must meet all current requirements for licensure, unless the Commission determines that the failure to renew during the inactive period was due to reasonable cause or excusable neglect.

Section 42-1706 amended 1984; §§ 47-2853.142, 47-2853.162, 47-2853.172, 47-2853.182, 47-2853.183 and 47-2853.184 enacted 1999; regulations 2602 and 2704 amended 2013; all others amended 2010.

[D.C. Code §§ 42-1706; 47-2853.142, .162, .172, .182, .183, .184 \(2019\); D.C. Mun. Regs. tit. 17, §§ 2601, 2602, 2603, 2610, 2611, 2612, 2620, 2621, 2704 \(2019\)](#)

Florida

Florida, Continuing Education Approval

PROVIDER

General requirements

A person, school or institution (except an approved and accredited college, university, community college and career center in Florida) that offers a course of study in real estate practice, teaches a prelicensing or renewal course, or teaches any course to assist applicants in passing a licensing examination must first obtain a permit from the Department of Business and Professional Regulation ("Department"). The exemption for colleges, universities, community colleges and career centers is limited to "transferable college credit courses."

The following may offer the [Florida Real Estate Commission](#)-prescribed or approved "specialty" renewal courses:

- accredited universities, colleges and community colleges in Florida;
- area technical centers;
- approved providers; or
- registered real estate schools.

The following may offer the Commission-prescribed Core Law course:

- accredited universities, colleges and community colleges in Florida;
- area technical centers; or
- registered real estate schools.

The "school permitholder," who is the person responsible for directing a proprietary real estate school's overall operations, must hold a license as a broker or have passed an instructor's examination. A school permitholder who teaches must also meet the instructor requirements.

Approval applications

Generally, applications are required for the following:

- a permit to operate a proprietary real estate school;
- a permit to be a proprietary real estate school's or a state institution's "chief administrator," responsible for the school's or the institution's "overall policies and practices"; or
- a permit to be a proprietary real estate school or a state institution instructor.

Distance learning course approval

A person, school or institution may not offer continuing education courses, by correspondence or otherwise, without first obtaining a permit.

Continuing education courses may be taught by distance learning pursuant to § 475.17 (which addresses prelicense and post-license course requirements) or by an equivalent correspondence course. A correspondence course must have a final examination, "prepared and administered by the school issuing the correspondence course." A real estate school may offer any course through distance learning if the course complies with § 475.17.

Section 475.17 requires a distance learning course to be approved by the Commission. Authorized schools may provide classroom courses, distance learning courses or both. The satisfactory completion of a distance learning course must require the "satisfactory completion of a timed distance learning course examination," which need not be monitored or given at a centralized location.

In all Commission-approved continuing education courses by distance education, the school must provide students with the address and telephone number of a permitted and registered instructor to answer inquiries. The school must also post a schedule of the instructor's availability.

Advertising

A person, school or institution may not represent that its permit represents a recommendation or

endorsement.

No person representing a real estate school offering and teaching real estate courses may make or approve any statement, representation or act, that he or she knows, believes, or reasonably should know or believe "to be false, inaccurate, misleading, or exaggerated."

A school may not use false, inaccurate, misleading or exaggerated advertising. The school's publicity and advertising must be based on fact and supported by evidence.

No school or institution representative may promise or guarantee employment or placement as an inducement, unless the person offers the student or prospective student a bona fide employment contract.

Student records

Each person, school or institution must keep the following records for at least three years:

- registration records;
- course rosters;
- attendance records;
- a file copy of each examination and progress test; and
- student answer sheets.

The records must be available to the Department for inspection and copying upon request.

Certificates of completion

"Satisfactory completion" of a continuing education course means "successfully meeting" the course's established standards. A provider may issue notice of satisfactory classroom course completion only to a licensee attending at least 90 percent of each classroom hour.

A licensee's or instructor's failure to provide evidence of compliance with continuing education

requirements or furnishing of false or misleading information regarding compliance is grounds for disciplinary action.

The course completion report must be typed or printed in ink and contain the following for continuing education courses:

- the school's name and address;
- the course's title and hours;
- the start and finish dates;
- the license number;
- the student's name and address; and
- an authorized signature.

The report must also state that the named student completed the course "in accordance with the requirements of the Florida Real Estate Commission." The school must give the original course completion report to the student and retain a copy.

Other submissions

No relevant provisions located.

CONTENT

Specialty courses

The Commission must approve any specialty course, seminar or conference.

Specialty courses on real estate practices may be approved for not less than two hours and for not more than a maximum of 11 hours of instruction of 50 minutes each. A specialty course must be

based on "real estate issues relevant to the modern practice of real estate by a real estate licensee, including technology used in the real estate industry." Commission-approval is for "24 months plus the remaining period of the renewal cycle following the end of the 24 month period at which point the course will expire." A provider must submit two complete sets, "including one blind copy," of course materials and end-of-course examinations for evaluation at least 60 days before use and must receive approval before it offers the course examination. A provider offering Commission-approved courses must keep the course materials current and accurate and obtain the Commission's approval at least 60 days before implementing any significant changes.

Core Law Course

The Core Law course, which totals 3 hours of instruction of 50 minutes each,

- reviews and updates Florida real estate license law, rules, and agency law; and
- provides an introduction to other state laws, federal laws, and taxes affecting real estate.

Approval of the Core Law course is based on the extent to which the course content covers the above-referenced subject areas.

MATERIALS

A provider must submit two complete sets, "including one blind copy," of course materials and end-of-course examinations to the Commission at least 60 days before use.

INSTRUCTOR QUALIFICATIONS

A "school instructor" is "an individual who instructs persons in the classroom in noncredit college courses in a college, university, or community college or courses in a career center or proprietary real estate school." An instructor applicant for a proprietary real estate school or a state institution generally must:

- meet the qualifications for practice set forth in § 475.17(1) (the general licensee requirements); and
- meet the qualifications for practice set forth in § 475.451(2)(c) (the specific instructor requirements described below).

Before providing instruction, an applicant must certify his or her competency and obtain an instructor permit by meeting one of the following sets of requirements:

- hold both a bachelor's degree in a business-related subject, such as "real estate, finance, accounting, business administration, or its equivalent" and a valid Florida broker's license;
- hold both a bachelor's degree and a valid Florida broker's license and have "extensive real estate experience"; or
- pass a Commission-approved instructor's examination.

In this context, "extensive real estate experience" means at least three years of full-time experience as a broker. This experience must include participation in closing at least five real estate transactions as a licensee, or as the employing broker of licensees, within prior 12-month period.

An instructor must renew his or her permit on a biennial basis. The Department will renew an instructor's permit upon receipt of a renewal application and the appropriate fee. The renewal application must show that the instructor has, since the current permit's issue- or renewal-date, successfully completed at least seven classroom or distance learning hours of instruction in real estate subjects or instructional techniques, except that qualified instructors who are licensed attorneys are not required to complete the continuing education for instructors. A school instructor need not complete the seven hours of recertification education as a condition for his or her initial permit renewal if the time between the initial permit's effective date and the initial renewal permit's start date is less than six months. Of the required seven hours, the instructor may apply up to three hours toward the continuing education core law requirement for licensure. The Commission may accept as a substitute for three classroom hours of core law, one time per renewal cycle, attendance at one legal agenda session of the Commission.

The Department:

- may require an applicant to submit names of persons with knowledge concerning the applicant and the enterprise;

- may send interrogatories to those persons and the applicant concerning the applicant's character, and take fingerprints for processing through the F.B.I.; and
- must make any investigation of the applicant it deems necessary.

PRIOR APPROVAL REQUIREMENTS

Approval timing

A person, school, or institution may not offer continuing education courses without first obtaining a permit.

A provider must submit to the Commission two complete sets, "including one blind copy," of course materials and end-of-course examinations for evaluation at least 60 days before use and must receive approval before offering the course examination.

A provider offering Commission-approved courses must obtain the Commission's approval at least 60 days before implementing any significant changes.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

A correspondence or distance education course must have a final examination, prepared and administered by the school issuing the course. However, the Commission may not require a written examination that must be taken at a centralized location and monitored. A provider must submit to the Commission two complete sets, including one "blind copy," of course materials and end-of-course examinations at least 60 days before use. The Commission must approve materials before the provider offers the course examination. A grade of at least 80 percent on the Commission-prescribed continuing education course examination constitutes satisfactory course completion. Students failing the examination must repeat the course before retaking the course examination, which must be different from the one the student previously failed.

The objective of the distance education examination is "to test fairly and reliably whether students have learned essential facts and concepts from the course." See r. 61J2-3.009 for specific requirements regarding the required number and form of examination questions.

Proctors

A distance-learning course examination need not be monitored or given at a centralized location.

Section 475.451 amended 2018; § 475.17 amended 2015; § 475.182 amended 2007; § 475.4511 amended 2003; regulation 61J2-3.011 amended 2019; r. 61J2-17.014 adopted 1993; r. 61J2-17.016 promulgated 1998; r. 61J2-3.009 amended 2018; r. 61J2-17.011 amended 1997.

[Fla. Stat. §§ 475.17, .182, .451, .4511 \(2019\); Fla. Admin. Code Ann. r. 61J2-3.009, .011; - 17.011, .016 \(2019\)](#)

Florida, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

A licensee is not required to meet the 14-hour continuing education requirement before his or her first renewal of an initial license. However, he or she must complete the required post-license courses during that initial license period.

The continuing education requirements do not apply to an attorney who is otherwise qualified under chapter 475, and who is a member in good standing of the Florida Bar.

An instructor who teaches a Commission-approved continuing education course may use the course toward his or her continuing education requirement on a classroom-hour for classroom-hour basis, but an instructor may not claim a course more than once during a renewal cycle.

Current members of the Florida Real Estate Commission may earn three credit hours toward specialty education while serving at a Commission meeting during the legal agenda session. This credit may only be earned once during a renewal cycle

Required hours

A licensee's renewal application for an active license must include proof that the licensee has, "since the issuance or renewal of her or his current license, satisfactorily completed at least 14 classroom hours of 50 minutes each of a continuing education course during each biennium of a license period." The Commission may accept as a substitute for a continuing education course, on a "classroom-hour-for-classroom-hour basis," any satisfactorily completed course that the Commission finds adequate, including an approved distance learning course.

Except for the first renewal period of a licensee's current license, a licensee must take a three-hour Core Law course at least once during each renewal period, and if the licensee takes the Core Law course each year of the renewal period, he or she will be allowed a total of 3 hours of Core Law

education and 3 hours of specialty education toward the 14-hour requirement. Real estate licensees who hold a license that expires on September 30, 2018, or thereafter must also take the 3-hour Business Ethics course once during each licensure renewal period. A licensee who takes the 3-hour Business Ethics course in each year of the renewal period is allowed a total of 3 hours of Business Ethics and 3 hours of specialty education toward the 14-hour requirement. Licensees who complete the Core Law course and Business Ethics course will receive 6 hours credit toward the 14-hour requirement. The "specialty" course hours must total at least 8 hours.

The Commission may accept as a substitute for three classroom hours, once per renewal cycle, attendance at one "legal agenda session" of the Commission. A licensee must notify the Commission at least seven days in advance of his or her intention to attend. No credit will be given for attendance as a party to a disciplinary action.

A licensee may activate an inactive license as follows:

- for a license that has become voluntarily inactive, the applicant must meet the continuing education requirements that the Commission prescribes by rule, which may not exceed 12 classroom hours for each year the license was inactive;
- for a voluntarily inactive license, a licensee may reactivate a license that has been involuntarily inactive for 12 months or less by satisfactorily completing at least 14 hours of a Commission-prescribed continuing education course; and
- for a license that has been involuntarily inactive for more than 12 months but fewer than 24 months, the applicant must satisfactorily complete 28 hours of a Commission-prescribed education course for licensure as a sales associate (Course I), with an emphasis on the real estate law and license law portions. A licensee demonstrates satisfactory completion for reactivation by achieving a grade of at least 70 percent on the 25-item end-of-course examination.

A license that has been involuntarily inactive for more than two years automatically expires.

See "Licensing Prerequisites" for post-license educational requirements that apply to the first licensure period.

Minimum class length

A provider may issue a "notice of satisfactory classroom course completion" only to a licensee who attends at least 90 percent of each of the classroom instruction hours.

Subjects

A specialty course must be based on "real estate issues relevant to the modern practice of real estate by a real estate licensee, including technology used in the real estate industry."

The three-hour Commission-prescribed Core Law course must:

- review and update Florida real estate license law, rules and agency law; and
- provide an introduction to other state laws, federal laws and taxes affecting real estate.

Attendance requirements

A provider may issue a notice of satisfactory classroom course completion only to a licensee who attends at least 90 percent of each of the classroom hours of a Commission-prescribed course.

Online classes

The Commission may accept as a substitute for continuing education courses any satisfactorily completed education course that the Commission finds to be adequate, including an approved distance learning course.

Also, the Commission may prescribe distance education courses for a person who, because of a hardship, cannot attend the classroom instruction.

Other requirements

A student must receive a grade of 80 percent or higher on any Commission-prescribed continuing education course examination. Students failing the Commission-prescribed course examination must repeat the course before retaking the course examination, which must differ from the one the student previously failed.

The fees commonly applicable to license renewals are as follows:

- a biennial license fee for an active licensee in the amount of \$72 (reduced to \$36 effective July 1, 2019 to June 30, 2021) for a broker;

- a late fee in the amount of \$25; and
- a biennial renewal of an entity's registration fee of \$72 for a corporation, partnership, limited liability company or limited liability partnership, and \$64 for a branch office.

An additional fee of \$3.50 per year is added to a broker's license renewal fee for the Real Estate Recovery Fund. If the fund exceeds \$1 million, the Commission must discontinue collecting the fee at the end of the licensing renewal cycle, and it may not reimpose the fee unless the fund is reduced below \$500,000.

BROKER ASSOCIATE REQUIREMENTS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALES ASSOCIATE REQUIREMENTS

All real estate licensees must meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.) However, the sales associate renewal fee for an active licensee is \$64 (reduced to \$32 effective July 1, 2019 to June 30, 2021) and the additional Real Estate Recovery Fund fee is \$1.50 per year.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section 475.451 amended 2018; § 475.482 amended 2003; § 475.183 amended 2015; § 475.125 amended 1991; § 475.182 amended 2007; § 475.17 amended 2015; regulation 61J2-1.015 repealed 2017; r. 61J2-3.013 amended 2016; r. 61J2-3.012 amended 2004; r. 61J2-1.011 amended 2019; r. 61J2-3.009 amended 2018; r. 61J2-3.010 amended 2016.

[Fla. Stat. §§ 475.125, .17, .182, .183, .451, .482 \(2018\); Fla. Admin. Code Ann. r. 61J2-1.011, .015; -3.009, .010, .013 \(2018\)](#)

Florida, Licensing Categories

BROKER

A "broker" is a person who, for another and for compensation or valuable consideration, acts as follows:

- "appraises, auctions, sells, exchanges, buys, rents, or offers, attempts or agrees to appraise, auction, or negotiate the sale, exchange, purchase, or rental of business enterprises or business opportunities or any real property or any interest in or concerning the same, including mineral rights or leases";
- advertises or holds out to the public that she or he is engaged in the business of the above acts;
- takes any part in procuring "sellers, purchasers, lessors, or lessees of business enterprises or business opportunities or the real property of another, or leases, or interest therein, including mineral rights";
- directs or assists in procuring prospects or in negotiating or closing any real estate transaction for compensation or valuable consideration; or
- advertises rental property information or lists.

As used above, the term "appraise" excludes appraisal services that must be performed only by a state-licensed or state-certified appraiser or a registered trainee-appraiser.

"Broker" also includes a general partner, officer, or director of an entity that acts as a broker, and generally includes a person or entity who lists or sells one or more timeshare periods per year on behalf of others.

BROKER ASSOCIATE

A "broker associate" is a person who is qualified to be issued a broker's license but who "operates as a sales associate in the employ of another."

SALES ASSOCIATE

A "sales associate" is a person who performs any act specified above in the definition of "broker," but who acts "under the direction, control, or management of another person."

SPECIALIST CATEGORIES

No relevant provisions were located.

Section amended 2004.

[**Fla. Stat. § 475.01 \(2019\)**](#)

Florida, Licensing Exemptions

Part I of chapter 475, which includes Florida's real estate licensing requirements, does not apply to:

- a person acting as an attorney-in-fact for the purpose of executing contracts or conveyances;
- an attorney-at-law acting within the scope of his or her duties;
- a certified public accountant, acting within the scope of his or her duties;
- a personal representative, receiver, trustee or general or special magistrate under an appointment by will or court order;
- a trustee under a deed of trust or trust agreement, "the ultimate purpose and intent whereof is charitable, is philanthropic, or provides for those having a natural right" to the donor's or trustor's bounty;
- an individual or other entity that sells, exchanges or leases its own real property, provided this exemption does not apply to the extent that "an agent, employee, or independent contractor paid a commission or other compensation strictly on a transactional basis is employed to make sales, exchanges, or leases to or with customers in the ordinary course of an owner's business of selling, exchanging, or leasing real property to the public";
- an employee of a public utility, rural electric cooperative, railroad, or state or local governmental agency, acting within the scope of her or his employment and not receiving compensation in addition to the employee's salary;

- a salaried employee of an owner (or of an owner's registered broker) of an apartment community who works in an onsite rental office in a leasing capacity;
- a person employed for a salary as a condominium or cooperative apartment complex manager as a result of any activities or duties the person may have related to renting individual units, provided the rentals are for periods no longer than one year;
- a person or entity that, for another and for compensation or consideration, "sells, offers to sell, advertises for sale, buys, offers to buy, or negotiates the sale or purchase of radio, television, or cable enterprises," unless the transaction involves the "sale or lease of land, buildings, fixtures, and all other improvements to the land," in which case a licensed broker or sales associate must be retained for that portion of the transaction;
- a full-time graduate student enrolled in a Commission-approved degree program in appraising at a Florida college or university, if he or she is acting under a licensed broker's or a licensed or certified appraiser's direct supervision and is engaged only in appraisal activities;
- an owner of one or part of one or more timeshare periods for the owner's own use and occupancy, who later offers one or more of the periods for resale;
- an exchange company to the extent that it is engaged in exchange program activities;
- a person registered, licensed, or certified as an appraiser or trainee appraiser performing appraisals;
- a person who "appraises under the unit-rule method of valuation a railroad or railroad terminal company assessed for ad valorem tax purposes";
- a person or entity which, for another and for consideration, "rents or advertises for rent, for transient occupancy" a licensed public lodging establishment;

- a dealer registered under the Securities and Exchange Act of 1934 or a federally insured depository institution (and any parent, subsidiary, or affiliate), "in connection with the sale, exchange, purchase, or rental of a business enterprise to or by a person who is an accredited investor," except that this exemption does not apply to a real estate transaction that is not made in connection with the sale, exchange, purchase, or rental of a business enterprise; or
- a property management firm or an apartment-complex owner who pays a finder's or referral fee to an unlicensed person who is a tenant in the complex, provided the fee does not exceed \$50 per transaction.

Section amended 2004.

[Fla. Stat. § 475.011 \(2019\)](#)

Florida, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A real estate license applicant who is a natural person must hold a high school diploma or its equivalent.

A licensed sales associate who desires to become a licensed broker must satisfactorily complete the [Florida Real Estate Commission](#)-prescribed course known as "Course II." Course II consists of 72 hours of 50 minutes each, including examination, in "the fundamentals of real estate appraising, investment, financing, and brokerage and management operations."

A student must receive a grade of at least 70 percent on the end-of-course examination. The school may administer the examination to those students who have completed the course and not missed more than eight hours of classroom instruction. A student who fails the examination must wait at least 30 days to retake the test, and a student may retake the test only one time within one year of the original examination date. Students failing the end-of-course examination must repeat the course. Schools must give a different form of the end-of-course examination to a student that is retaking the exam or repeating the course.

Make-up classes and examinations needed because of student or family illness may not extend more than 30 days beyond the scheduled class examination without the Commission's approval. Make-up classes must consist of the original course materials that the student missed.

Completion of an approved distance learning course is an option to classroom hours, provided that satisfactory completion of a distance learning course requires a student to satisfactorily complete a timed earning course examination. The exam need not be monitored or given at a centralized location. The required course must be made available by correspondence or other suitable means to any person who, because of a hardship, cannot attend the course or does not have access to a distance learning course. The Commission may not approve prelicensure or post-licensure distance learning courses by correspondence methods, except in hardship cases.

A person who has been licensed as a real estate sales associate in Florida during the preceding five years may not be licensed as a real estate broker unless he or she has completed the required sales associate post-licensure educational requirements.

See regulation 61J2-3.008 for detailed provisions regarding pre-licensing course requirements and examinations.

The following are deemed to have satisfactorily completed the required course:

- a person who has attended a licensed "accredited college, university, community college, area technical center or a real estate school" and who satisfactorily completed real estate courses "covering substantially the same subject matter, classroom hours of attendance, and completion standards" as required by rule 61J2-3.008; and
- a person who has obtained a four-year, or higher, degree with a major in real estate that "substantially covers the Commission prescribed course subject matter" at an accredited college or university.

In that case, a student's "application for equivalency evaluation" must be accompanied by an official transcript or appropriate certificate showing the real estate subjects taken, the date completed and the course grade.

Post-license educational requirements

An applicant who passes a broker or sales associate licensure examination must satisfactorily complete a post-licensing course before the first renewal of their license. The licensee must take the post-licensing courses at an accredited university, college, community college, area technical center in Florida, registered real estate school or Commission-approved sponsor. For a broker's license, the post-licensing education requirement must consist of Commission-approved courses

that may not exceed 60 hours of 50 minutes each, including examination, in subjects including, but not limited to, "advanced appraisal, advanced property management, real estate marketing, business law, advanced real estate investment analyses, advanced legal aspects, general accounting, real estate economics, syndications, commercial brokerage, feasibility analyses, advanced real estate finance, residential brokerage, advanced marketing, technology, advanced business planning, time management, or real estate brokerage office operations."

A provider may not issue a notice of satisfactory completion if the student was absent for more than 10 percent of the required classroom hours or has not satisfactorily completed a timed distance learning course examination.

The license of a broker who does not complete the post-licensure education requirement before its first renewal following initial licensure is null and void. That licensee may be issued a sales associate's license after proving he or she has satisfactorily completed the 14-hour continuing education course during the 6 months following his or her broker's license's expiration date. To obtain another broker's license, the licensee must requalify by satisfactorily completing the broker's prelicensure course and passing the broker's license state examination.

The Commission may allow an additional 6-month period after the first renewal date for completing the post-licensure education courses for licensees who, because of "individual physical hardship," cannot complete the courses within the required time. The Commission must also provide for post-licensure education courses to be available by "correspondence or other suitable means" to a person who, because of a hardship, cannot attend the courses or does not have access to distance learning courses. The Commission may not approve post-licensure distance learning courses for licensees by correspondence methods, except in hardship cases.

The Commission must approve a distance learning course as an option to classroom hours for the post-licensure education course. However, satisfactory completion of a distance learning post-licensure education course requires passing a timed distance learning course examination, which may not be required to be monitored or given at a centralized location.

A student who fails the examination may retake the test only one time within one year of the original examination date. Otherwise, students failing the end-of-course examination must repeat the course before retaking the test. Providers must give a different form of the end-of-course examination to a student that is retaking the exam or repeating the course.

Make-up classes and examinations needed because of student or family illness may not extend more than 30 days beyond the scheduled class examination without the Commission's approval. Make-up classes must consist of the original course materials that the student missed.

The Commission may allow an additional 6-month period after the first renewal for licensees that cannot, because of individual physical hardship, complete the course within the required time.

Post-licensure education requirements do not apply to a licensee who has received a four-year degree, or higher, in real estate from an accredited institution of higher education.

See reg. 61J2-3.020 for additional detailed requirements that apply to post-licensing education requirements for broker and sales associate licensees.

Service in "lower" category

A person may not be licensed as a real estate broker unless he or she has held one of the following for at least 24 months during the preceding five years:

- an active sales associate's license;
- a current and valid sales associate's license while employed by a governmental agency for a salary and performing real estate duties for real estate licensees; or
- a current and valid broker's license in any other U.S. state, territory or jurisdiction or in any "foreign national jurisdiction."

Waiver of qualifications for some professionals

The Commission may waive some requirements for nonresident licensees. It may enter into written agreements with other jurisdictions to ensure Florida licensees nonresident licensure opportunities that are comparable to those afforded to nonresidents by Florida. If the Commission determines that another jurisdiction does not offer comparable nonresident licensure to Florida licensees, it must require licensees of that jurisdiction to meet education, experience and examination requirements similar to those required by that jurisdiction for Florida licensees who seek nonresident licensure. However, all nonresidents seeking Florida licensure must take a mandatory written examination.

Annual fees and filings

The fees commonly applicable to license renewal are as follows:

- a biennial license fee for an active licensee in the amount of \$72 (reduced to \$36 effective July 1, 2019 to June 30, 2021) for a broker and \$64 (reduced to \$32 effective July 1, 2019 to June 30, 2021) for a broker's branch office;

- a late fee in the amount of \$25; and
- a biennial renewal of an entity's registration fee of \$72 for a corporation, partnership, limited liability company or limited liability partnership, and \$64 for a branch office.

An additional fee of \$3.50 per year is added to a broker's license renewal fee for the Real Estate Recovery Fund. If the fund exceeds \$1 million, the Commission must discontinue collecting the fee at the end of the licensing renewal cycle, and it may not reimpose the fee unless the fund is reduced below \$500,000.

A license that is not renewed at the end of the license period automatically reverts to involuntarily inactive status.

A licensee must notify the Commission of changes no later than 10 days after the change.

Applicant investigation

To be entitled to take a real estate license examination, a person must, among other things, submit to the Department digital fingerprint data, which the Department will forward to the state Law Enforcement Department and the F.B.I. for processing in order to determine if the applicant has a criminal history record. The Department will use the information obtained to determine if the applicant is "statutorily qualified for examination."

The Department may not issue a license to an applicant who is under investigation in any other jurisdiction for any act that would constitute a violation of the real estate laws (chapter 475) or the state's general licensing laws (chapter 455) until the investigation is complete and disciplinary proceedings have terminated.

Examinations

A student must receive a grade of at least 70 percent to pass an end-of-course examination. The school must administer the examination upon completion of the instruction, provided the student has not missed more than eight hours of instruction. Satisfactory completion of a distance learning prelicense or post-licensure education course requires the student to pass a timed distance learning course examination, which the Commission may not require to be monitored or given at a centralized location.

An applicant must also pass a licensing examination by receiving a score of at least 75 points on a test containing 100 points. The broker's and instructor's license exam must test "knowledge, understanding and application of real estate law, real estate principles and practices including

appraising, finance, investment and brokerage management and real estate mathematics." The test questions are allocated as follows: 45 points on law; 40 points on principles and practices; and 15 points on real estate mathematics.

An application expires two years after the date received if the applicant does not pass the appropriate examination. Also, if an applicant does not pass the licensing examination within two years after successfully completing the requisite courses, the applicant's course completion is invalid.

Other prerequisites

A real estate license applicant who is a natural person must:

- be at least 18 years old;
- hold a high school diploma or its equivalent;
- "be honest, truthful, trustworthy, and of good character";
- have a "good reputation for fair dealing"; and
- be "competent and qualified to make real estate transactions and conduct negotiations."

If the applicant has been denied a registration or license, been disbarred, or had a license revoked or suspended because of conduct that is prohibited under the state's real estate laws, the Commission must deem the applicant to be not qualified unless, because of "lapse of time and subsequent good conduct and reputation, or other reason deemed sufficient," it appears that the public's interest will not likely be endangered by granting the registration.

The Commission may require an applicant to provide written information regarding his or her good character.

A broker's license applicant must:

- meet the age, experience and education requirements;
- "make it possible to immediately begin the inquiry as to whether the applicant is honest, truthful, trustworthy, of good character, and bears a good reputation for fair dealings, and will likely make transactions and conduct negotiations with safety to investors and to those with whom the applicant may undertake a relation of trust and confidence" and make certain disclosures regarding the following:
 - any convictions, or guilty or nolo contendere pleas, in any jurisdiction, or any pending criminal investigations;
 - prior business names;
 - any prior license, permit or registration revocations, suspensions, or surrenders involving any regulated profession in Florida or another jurisdiction, or any such pending proceedings; and
 - any denials of a real estate license in Florida or any other jurisdiction or pending proceedings to deny an application;
- submit digital fingerprint data.

The following fees are relevant to an applicant applying for a broker's license:

- an initial application fee of \$14.75; and
- a fingerprint card processing fee.

An additional fee of \$3.50 is added to the broker's license fee for the Real Estate Recovery Fund. If the fund exceeds \$1 million, the Commission must discontinue collecting the fee at the end of the licensing renewal cycle, and it may not reimpose the fee unless the fund is reduced below \$500,000.

Corporate and other entity licensees

A partnership, limited liability partnership, limited liability company or corporation that acts as a broker must register with the Commission and renew the licenses of its members, officers and directors for each license period. If the partnership is a limited partnership, only the general partners must be licensed brokers or brokerage corporations. A partnership must be registered and at least one of its partners must be licensed or registered as an active broker. Each partner who expects to deal with the public as a broker must hold a valid and current active broker's license or registration.

A corporation must prove its legal corporate existence by letter from the Secretary of State or by certification. A corporation is generally assumed to be qualified for registration if its officers and directors are qualified and if the answers to questions in the application are satisfactory. The Commission may not grant a corporate registration if:

- the individual with control of the corporation has had a license denied, revoked, or suspended and not reinstated;
- a person with control of the corporation has been convicted of a felony and "has not had civil rights restored" for at least five years; or
- an injunction has been entered against the individual for operating as a real estate licensee without a license.

A person is deemed to be in control of a corporation if he or she (or his or her spouse, children or household member) owns or controls more than 40 percent of the corporation's voting stock.

All officers and directors of a real estate brokerage corporation must be registered. No registration will be issued to a corporation, nor licenses to any officer or director, unless the corporation registers and biennially renews at least one active officer's license.

The initial application for registration of a corporation or other entity is \$72, and the branch office fee for an entity is \$64.

See regulation 61J2-5.013 for additional provisions that apply to domestic and foreign corporations.

BROKER ASSOCIATE QUALIFICATIONS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above. A broker associate may not register or be licensed as a general partner, member, manager, officer or director of a brokerage firm.

SALES ASSOCIATE QUALIFICATIONS

Education

A sales associate applicant must satisfactorily complete the Commission-prescribed course known as "Course I." Course I consists of 63 hours of 50 minutes each, including examinations, in the "basic fundamentals of real estate principles and practices, basic real estate, and license law."

An applicant for a real estate license who is a natural person must hold a high school diploma or its equivalent.

A grade of 70 percent or higher on the end-of-course examination constitutes satisfactory course completion. The school may administer the examination to those students who have completed the instruction and have not missed more than eight hours of instruction. Students failing the examination must wait at least 30 days to retake the test, and a student may retake the test only one time within one year of the original examination date. Otherwise, students failing the end-of-course examination must repeat the course before retaking the examination. Schools must give a different form of the end-of-course examination to a student that is retaking the exam or repeating the course.

Make-up classes and examinations needed because of student or family illness may not extend more than 30 days beyond the scheduled class examination without the Commission's approval. Make-up classes must consist of the original course materials that the student missed.

Completion of an approved distance learning course is an option to classroom hours, provided that the course requires the satisfactory completion of a timed distance learning course examination, which need not be monitored or given at a centralized location. The required course must be made available by correspondence or other suitable means to any person who, because of a hardship, cannot attend the course or does not have access to distance learning courses. The commission may not approve prelicensure or post-licensure distance learning courses by correspondence methods, except in hardship cases.

See regulation 61J2-3.008 for detailed provisions regarding pre-licensing course requirements and examinations.

The following are deemed to have satisfactorily completed the required course:

- a person who has attended a licensed "accredited college, university, community college, area technical center or a real estate school" and who satisfactorily completed real estate courses "covering substantially the same subject matter, classroom hours of attendance, and completion standards" as required by rule 61J2-3.008; and
- a person who has obtained a four-year, or higher, degree with a major in real estate that "substantially covers the Commission prescribed course subject matter" at an accredited college or university.

Those students must submit an "application for equivalency evaluation" accompanied by an official transcript or an appropriate certificate, showing the real estate subjects taken, the date completed and the course grade.

Initial term educational requirements

All applicants who pass a sales associate licensure examination must satisfactorily complete a Commission-prescribed post-licensing course before the first renewal following initial licensure. The licensee must take the post-licensing course or courses at an accredited university, college, community college, area technical center in Florida, registered real estate school, or Commission-approved sponsor. For a licensed sales associate, the post-licensing education requirement consists of one or more Commission-approved courses, which may not exceed 45 hours of 50 minutes each, including examination, on one or more subjects which include, but are not limited to property management, appraisal, real estate finance, real estate management economics, marketing, technology, property sales and listings, business office management, practical real estate application skills, business plan development, property marketing and time management.

The student may not receive a notice of satisfactory completion if he or she is absent for more than 10 percent of the required classroom hours or has not satisfactorily completed a timed distance learning course examination.

The license of any sales associate who does not complete the post-licensure education requirement before the first renewal following initial licensure is null and void. If the person wishes to act as a real estate sales associate, he or she must requalify by satisfactorily completing the sales associate's prelicensure course and passing the state examination for licensure as a sales associate. A sales associate must complete his or her post-licensure education requirement and hold a current and valid license in order to be eligible for a broker's license.

The Commission may allow an additional six-month period after the first renewal date for completing the post-licensure education courses for licensees who, because of "individual physical hardship," cannot complete the courses within the required time. The Commission must also provide for post-licensure education courses to be available by "correspondence or other suitable

means" to a person who, because of a hardship, cannot attend the courses or does not have access to distance learning courses. The Commission may not approve post-licensure distance learning courses for licensees by correspondence methods, except in hardship cases.

The Commission must approve a distance learning course as an option to classroom hours for the post-licensure education course. However, satisfactory completion of a distance learning post-licensure education course requires passing a timed distance learning course examination, which may not be required to be monitored or given at a centralized location.

A student who fails the course examination must wait at least 30 days to retake the test, and a student may retake the test only once within one year of the original examination date. Otherwise, students failing the end-of-course examination must repeat the course before retaking the exam. Providers must give a different form of the end-of-course examination to a student that is retaking the exam or repeating the course.

Make-up classes and examinations needed because of student or family illness may not extend more than 30 days beyond the scheduled class examination without the Commission's approval. Make-up classes must consist of the original course materials that the student missed.

The Commission may allow an additional 6-month period after the first renewal for licensees that cannot, because of individual physical hardship, complete the course within the required time.

See reg. 61J2-3.020 for additional detailed requirements that apply to post-licensing education requirements for broker and sales associate licensees.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

An "active member in good standing with The Florida Bar who is otherwise qualified under the real estate license law" is exempt from the prerequisite education course for licensure as a real estate salesperson.

Some requirements may be waived for nonresident licensees. The commission may enter into written agreements with other jurisdictions to ensure Florida licensees nonresident licensure opportunities comparable to those afforded to nonresidents by Florida. If the Commission determines that another jurisdiction does not offer comparable nonresident licensure to Florida licensees, it must require licensees of that jurisdiction to meet education, experience and examination requirements similar to those required by that jurisdiction for Florida licensees who seek nonresident licenses. However, all nonresidents seeking Florida licensure must take a mandatory written examination.

Annual fees and filings

All real estate licensees are required to submit the same annual filings. (See "BROKER REQUIREMENTS" above.) However, the sales associate renewal fee for an active licensee is \$64 (reduced to \$32 effective July 1, 2019 to June 30, 2021), and the additional Real Estate Recovery Fund fee is \$1.50 per year.

Applicant investigation

All real estate licensees are subject to the same investigation requirements. (See "BROKER REQUIREMENTS" above.)

Examinations

A student must receive a grade of at least 70 percent to pass an end-of-course examination. The school must administer the examination upon completion of the instruction, provided the student has not missed more than eight hours of instruction. Satisfactory completion of a distance learning prelicense or post-licensure education course requires the student to pass a timed distance learning course examination, which the Commission may not require to be monitored or given at a centralized location.

An applicant must also pass a licensing examination by receiving a score of at least 75 points on a test containing 100 points. The sales associate examination is "based upon a knowledge, understanding and application of real estate principles and practices, real estate law and real estate mathematics." The test questions are allocated as follows: 45 points on law; 45 points on principles and practices; and 10 points on real estate mathematics.

An application expires two years after the date received if the applicant does not pass the appropriate examination. Also, if an applicant does not pass the licensing examination within two years after the successful course completion date, the applicant's course completion is invalid.

Other prerequisites

A sales associate may not register or be licensed as a brokerage firm's general partner, member, manager, officer or director.

A real estate license applicant who is a natural person must:

- be at least 18 years old;
- hold a high school diploma or its equivalent;
- "be honest, truthful, trustworthy, and of good character";

- have a "good reputation for fair dealing"; and
- be "competent and qualified to make real estate transactions and conduct negotiations."

If the applicant has been denied registration or a license, been disbarred, or had a license revoked or suspended because of any conduct that is prohibited under the state's real estate laws, the Commission must deem the applicant to be not qualified unless, because of "lapse of time and subsequent good conduct and reputation, or other reason deemed sufficient," it appears that the public's interest will not likely be endangered by granting the registration.

The Commission may require an applicant to provide written information regarding his or her good character.

A sales associate's license applicant must:

- meet the age requirement;
- meet the applicable education requirements;
- "make it possible to immediately begin the inquiry as to whether the applicant is honest, truthful, trustworthy, of good character, and bears a good reputation for fair dealings, and will likely make transactions and conduct negotiations with safety to investors and to those with whom the applicant may undertake a relation of trust and confidence" and make certain disclosures regarding the following: any criminal, fraudulent or dishonest actions; whether he or she is a mental health facility patient; prior business names; or any prior license revocations; and
- submit a completed FBI fingerprint card.

The following fees are relevant to an applicant applying for a sales associate's license:

- an initial application fee of \$14.75; and
- a fingerprint card processing fee.

An additional fee of \$1.50 is added to a sales associate's license fee for the Real Estate Recovery Fund. If the fund exceeds \$1 million, the Commission must discontinue collecting the fee at the end of the licensing renewal cycle, and it may not reimpose the fee unless the fund is reduced below \$500,000.

SPECIALIST QUALIFICATIONS

No relevant provisions were located.

Section 475.125 amended 1991; § 475.15 amended 2015; § 475.180 amended 2012; §§ 475.23 and 475.482 amended 2003; §§ 475.161 and 475.181 amended 2006; § 475.17 amended 2015; § 475.175 amended 2010; r. 61J2-26.001 adopted 1994; r. 61J2-5.015 amended 2000; r. 61J2-2.027 amended 2013; r. 61J2-2.029 amended 2008; r. 61J2-3.008 amended 2019; r. 61J2-4.007 amended 2004; r. 61J2-1.011 amended 2019; r. 61J2-3.012 amended 2017; r. 61J2-3.020 amended 2018.

[Fla. Stat. §§ 475.125, .15, .161, .17, .175, .180, .181, .23, .482 \(2019\); Fla. Admin. Code Ann. r. 61J2-1.011; -2.027, .029; -3.008, .012, .020; -4.007; -5.015; -26.001 \(2019\)](#)

Georgia

Georgia, Continuing Education Approval

PROVIDER

General requirements

The [Georgia Real Estate Commission](#) ("Commission") must approve all continuing education courses, schools and instructors. All "educational or duly authorized instructional organizations teaching real estate licensing courses" must provide continuing education courses.

Each approved school must designate an approved individual to act as its director, who is:

- responsible for assuring that the school complies with the relevant law; and

- authorized to bind the school to any settlement of a contested case before the Commission.

A school may request exceptions, modifications or exemptions to the approval requirements if "sound educational reasons exist" for the request.

Approval applications

A school approved to offer required education courses and instructors approved to teach the courses must pay the original application and renewal fees established by the commission for broker applicants and licensees.

A school-approval applicant must file with the Commission an application and a fee. The application must include the following:

- identifying information about the school, its director and its coordinator;
- a detailed records management proposal for retaining, for at least five years, records of student attendance, scores on all graded exercises and examinations and student certifications;
- if the applicant is subject to the Nonpublic Postsecondary Educational Institutions Act, a copy of the current certificate;
- the name and address of the owner if the school is a sole proprietorship, the partners if the school is a partnership, the members if the school is a limited liability company and each officer if the school is a corporation;
- any attendance make-up policy;
- a list of any student entrance qualifications;

- a statement that the school can make available to students any materials the Commission may require for use in a particular course and that it has video or audio equipment available to present Commission-required material;
- a statement that the school will conduct in-class courses in appropriate learning environments;
- a statement that the school is capable of following Commission-authorized procedures for electronically registering its students for qualifying examinations and communicating electronically any required student course completion information;
- a statement that the applicant will comply with all relevant provisions of the Americans With Disabilities Act;
- a statement that the school will not discriminate;
- a detailed outline of each course to be offered, including the hours to be spent on each subject area and a description of all planned in-class and homework exercises;
- a bibliography of all texts and reference materials;
- a comprehensive description of how the provider will evaluate student performance;
- a description of the learning objectives for each instructional hour of the course. The term "instructional hour" is defined as at least fifty minutes of instruction or other learning activity;
- a list of all proposed instructors;

- a list of the courses for which the school seeks approval; and
- a copy of the required "Notice to Students."

Distance learning course approval

The Commission may establish standards for offering continuing education courses by "methods of instruction, which it deems to be educationally sound, other than in-class instruction."

For computer-based courses, the Notice to Students must include:

- the approved school's name and address;
- the order in which the student must submit homework assignments;
- a statement that the students must personally complete all required instructional modules and sign the required certification statements;
- a statement that the student must successfully complete all assignments before receiving credit or attending any required in-class instruction; and
- an explanation of when and where to complete any required in-class instruction.

A "distance education" is comprised of courses "in which instruction does not take place in a traditional classroom setting but rather through other media in which teacher and student are separated by distance and sometimes by time." Distance education courses are typically delivered through telecommunications or by computer. The Commission may approve distance education courses if:

- the course meets all of other course requirements set forth in regulatory chapter 520-2; or

- the applicant provides "satisfactory documentation" that the Association of Real Estate License Law Officials ("ARELLO") has certified the course as meeting its distance education standards.

In distance education courses, a credit hour equals 60 minutes of instruction.

The Commission may approve computer-based courses that meet the following specific standards and all other requirements set forth in regulatory chapter 520-2:

- the course must "teach to mastery," as defined in detail by r. 520-2-.04(10)(a);
- the school must submit to the Commission satisfactory documentation of the method by which each mastery element will be accomplished; and
- the course must meet the criteria outlined in r. 520-2-.04 (except those covering in-class instruction), use specified testing programs to evaluate the content's quality and the user-friendliness of software and hardware, and make reasonably available to the Commission documentation on the development and testing processes used in its computer-based courses.

The following do not meet the above requirements:

- courses that "consist primarily of text material presented on a computer or other audio or audiovisual programs rather than in printed material";
- courses that "consist primarily of questions similar to those on the state licensing examination"; or
- courses that consist primarily of a combination of the above elements.

An approved instructor or the school coordinator or director must supervise the grading of students' written work in computer-based courses.

A computer-based continuing education course must consist of interactive computer-based instructional material that will "reasonably require the student completing the course to expend the number of hours for which the course is approved."

A school must offer a computer-based course "under an instructor," who must be approved for community association manager's, salesperson's and broker's prelicense courses. Every instructor of a computer-based course must:

- be available to answer students' questions or provide assistance;
- provide reasonable oversight of students' work in order to ensure that the enrolled student is the one completing the work;
- certify that the student has successfully completed a computer-based course only if the student has completed all instructional modules, attended any hours of live instruction or required testing, and passed any test required by a continuing education course; and
- obtain a certification from each student regarding module completion.

A school must provide prior documentation or demonstration to the Commission of the delivery methods for exercises or assessments. Each written assignment a student submits for a computer-based or distance-learning course must include a certification that he or she has personally completed the assignment.

Advertising

An approved school, instructor and course provider must comply with the relevant regulations when advertising through any media. If an approved school wishes to use the Commission's name in its advertising, it must indicate that the Commission has approved the school "as meeting the requirements of Georgia laws." It may not indicate that the Commission has any interest in the school other than ensuring that it complies with Georgia law. The phrase "Georgia Real Estate

Commission" may not appear in larger type than the words and phrases preceding or following it.

Any course advertising must state that the course is an in-class or a computer-based course, as applicable.

Student records

An applicant must provide a detailed records-management proposal for retaining, for at least five years, records of student attendance, scores on all graded exercises and examinations, and student certifications.

Approved schools must maintain for at least five years, and, upon reasonable request, make available to the Commission, the following documents:

- copies of all examinations and answer keys;
- copies of all texts or other instructional materials used in approved courses;
- records of attendance (or, for computer-based courses, the completion of each instruction module) and scores earned on all graded, written exercises and examinations;
- resumes or other biographical information documenting the knowledge and experience of all continuing education instructors who are not qualified as approved instructors; and
- for all computer-based courses, records containing (a) the student's name, the course title, the number of course hours, and the particular software version of the course; (b) a Commission authorized system of verifying the completion of each module and the completion date of the course; and (c) the scores for each student for all final examinations.

Certificates of completion

Before a school may certify a student as passing an approved course, the student must meet any minimum grading and conduct standards. On graded exercises and examinations for which Georgia regulations set specific requirements, the school's policy must at least equal those

requirements. See r. 520-2-.04(11) for detailed provisions regarding grading. Other grading standards must be "in accordance with generally accepted educational standards."

A school may not certify a student as passing an approved course unless:

- the student attends all required hours of in-class instruction for which the course has been approved; and
- the student completes and passes all graded exercises and examinations required by the school.

The school director or coordinator is responsible for certifying student completion of courses.

Other submissions

All approved schools must immediately report to the Commission in writing any changes in its director or coordinator or its name, phone number, location or address. The school must also notify the Commission immediately if it terminates its relationship with an instructor because the instructor violated any Commission regulation.

Schools must electronically communicate all student completion information in approved continuing education courses.

See regulatory chapter 520-5 for provisions that apply when the Commission enter into contracts with public or private institutions or individuals to "establish, continue, or expand educational opportunities or research which will benefit real estate licensees or the public in its potential dealings with licensees."

CONTENT

A school's application must include detailed outlines of courses to be offered, including the hours to be spent on each subject area and a description of all planned in-class and homework exercises.

A school coordinator or director may not permit anyone to use the school's premises or classrooms

to recruit new affiliates during or one hour before or after an instruction period. The school must inform the students in writing of this restriction at the beginning of the course.

All approved courses must be educational in nature. An in-class hour equals 60 minutes of instruction, and in-class instruction and testing may not exceed 7.5 hours per day. The school must hold all in-class instruction between 7:00 a.m. and 10:00 p.m., with breaks totaling at least 15 minutes every two hours. Instructors may use no more than 30 minutes of audio or video material toward meeting any required in-class hours unless the Commission grants written authorization for the material.

The school must maintain a detailed course outline that identifies the hours to be spent on each subject area to be covered in any approved course.

Every course offered by an approved school for prelicense, post-license or continuing education credit must "include acknowledgment and coverage of the ethical implications" of the course's subject matter.

Every calendar year, an approved school must offer a course designed to help licensees meet their continuing education requirements. No school may offer a continuing education course of fewer than three credit hours. The Commission will accept for continuing education credit a course that exceeds 24 classroom hours only if the course also meets all requirements for approval as a sales post-license course.

A continuing education course that does not seek to improve knowledge and skills in real estate brokerage activity in the subject areas listed in regulation 520-2-.04(4) (which contains extensive lists of topics for community association manager's prelicense courses, salesperson's prelicense and postlicense courses and broker's prelicense courses) must have the Commission's prior written authorization.

A licensee who has successfully completed an approved course to meet part of his or her continuing education credit may not repeat that course unless at least one full year has passed since he or she last completed the course.

The coordinator or director must provide each student with an opportunity to "make unsigned, written evaluations of instructors."

MATERIALS

In its approval application, a school must include:

- a statement that the school can make available to its students materials the Commission may require for use in a particular course or courses;

- a statement that it has video or audio equipment available to present Commission required material; and
- a bibliography of all texts and reference materials to be used in the course.

Upon a student's enrollment or before beginning instruction in any course, the school must provide students a written "Notice to Students" containing the information set forth in detail by regulation 520-2-.02(5), which generally includes the following:

- approval details;
- a list of the instructors who will teach the course;
- the school's certification policy;
- the school's attendance requirements;
- the prohibition of recruitment statement required by rule 520-2-.15 and an outline of the manner in which students must report any recruitment efforts;
- for computer-based courses, additional information regarding the school and the course;
- for prelicense courses, a description of the Commission's preliminary decision option for persons with criminal convictions;
- a statement that the student may not receive credit for any continuing education course that he or she has taken during the previous calendar year; and

- any other information the Commission may require.

INSTRUCTOR QUALIFICATIONS

Only instructors approved by the Commission or certain guest instructors may teach prelicense courses. (See r. 520-2-.03 for approval procedures for prelicense course instructors.) Only instructors with appropriate experience and knowledge of the content areas of a continuing education course may teach that course.

The school coordinator or director is responsible for "consistent and regular evaluation of the school's instructors."

Effective December 31, 2017, all instructors must apply for renewal of approval by December 31 of the year in which their approval expires. Renewal applications must be on forms supplied the Commission and accompanied by:

- the required renewal fee;
- evidence of teaching 60 instructional hours to students in a Commission-approved school during the current renewal period; and
- evidence of successfully completing 36 hours of instructor continuing education during the current renewal period from the following: (a) a minimum of 12 hours from the Commission's annual meetings for approved schools and instructors; (b) course(s) that meet the requirements of courses that an approved instructor teaches; or (c) course(s) which the Commission approves for instructor continuing education.

PRIOR APPROVAL REQUIREMENTS

Approval timing

A continuing education course that does not seek to improve knowledge and skills in real estate brokerage activity in the subject areas listed in r. 520-2-.04(4) (an extensive list including course topics for community association manager's prelicense courses, salesperson's prelicense and post-license courses and broker's prelicense courses) must have the Commission's prior written authorization.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

The Commission generally may not require the passing of an examination to meet its continuing education requirement. However, computer-based courses must provide a "means of diagnostic assessment" of a student's performance on "an ongoing basis" during each instruction module. The assessment process must measure what each student has learned at regular intervals throughout each instruction module and specifically assess the mastery of each concept covered in the content material.

Proctors

Schools must provide proctors for all final examinations for prelicense and post-license courses and for any continuing education courses that require the passing of a final examination in order to receive credit. The school director, coordinator, approved instructor or other person designated by the school director or coordinator may proctor the final examinations.

Section 43-4-8 amended 2012; § 43-40-12 amended 2007; rule 520-5-.02 amended 2000; r. 520-2-.02 amended 2011, r.r 520-2-.03, .04 amended 2016.

Ga. Code Ann. §§ 43-40-8, -12 (LexisNexis 2019); [Ga. Comp. R. & Regs. 520-2-.02, -.03, -.04, -5-.02 \(2019\)](#)

Georgia, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

If a licensee who resides in a county designated as a disaster area suffers uninsured major damage or loss to his or her residence or place of business, the Commission may extend his or her license renewal period for up to two years without a fee.

The Commission deems the following to have met all or part of their continuing education requirements for a renewal period:

- a licensee may obtain continuing education credit by successfully completing a community association manager's, salesperson's or broker's prelicense course or a salesperson's post-license course;
- a salesperson who completes the 25-hour sales post-license course in their first year of licensure may count that course as meeting nine hours of the continuing education requirement for the first renewal period;
- a licensee may obtain continuing education credit by completing, at an accredited college or university, a course of four quarter hours or two semester hours that (a) counts toward obtaining a major in the real estate field or deals with real estate principles, fundamentals or essentials; (b) counts toward obtaining a major in business administration, accounting, finance or marketing at an accredited college or university; or (c) is in agency, real property law and contract law at an accredited law school (college correspondence courses and courses that qualify for continuing education may not be used to qualify under this rule);
- an instructor is deemed to have met the continuing education requirement for a renewal period if he or she submits written proof that he or she has taught any of the approved courses for a total of 24 hours (36 hours after July 1, 2015) during that renewal period; and
- a non-resident licensee is deemed to have met the continuing education requirement if he or she submits written proof that he or she has met the continuing education requirement of his or her state during the same renewal period (unless his or her state does not have continuing education requirements).

A licensee may use continuing education courses authorized by other states to meeting the Georgia continuing education requirement if the courses are offered through classroom instruction or computer-based instruction that is consistent with Georgia's standards for computer-based courses or distance education.

The Commission may require a licensee completing courses approved under one of the above provisions to submit transcripts or other verification of completion.

Licensees serving on active duty in the armed forces of the United States or in the General Assembly may choose not to meet the continuing education requirements while on active duty or during their terms of office. Members of the armed forces or the General Assembly who choose to exercise this temporary exemption option and whose term of active duty or of office exceeds two years shall be required to complete a 25 instructional hour course within six months of the conclusion of their active duty or term of office.

Required hours

Except those licensees actively licensed on January 1, 1980, each renewal applicant must furnish to the Commission evidence of satisfactorily completing a continuing education course or courses approved by the Commission for a total of at least six hours for each year of the renewal period. A licensee who renews an active license on or after July 1, 2015 must have completed 36 instructional hours of continuing education during the renewal period.

A licensee who has been exempt from the continuing education requirements and whose license has lapsed for longer than one year is subject to the continuing education requirements upon reinstatement.

A licensee who seeks to activate a license that has been on inactive status for two years or longer must generally attend Commission-approved courses before activating the inactive license, which courses must total at least six hours for each year the license was inactive.

Minimum class length

A school may not offer a continuing education course of fewer than three credit hours. A credit hour equals 50 minutes of instruction. In-class instruction and testing in a course must not exceed 7.5 hours per day.

Subjects

All approved courses must be educational in nature. The school must maintain a detailed course

outline that identifies the hours to be spent on each subject area to be covered in an approved course.

Every course offered by an approved school for prelicense, post-license or continuing education credit must "include acknowledgment and coverage of the ethical implications" of the course's subject matter.

A continuing education course that does not seek to improve knowledge and skills in real estate brokerage activity in the subject areas listed in r. 520-2-.04(6) (an extensive list that includes course topics for community association managers', salespersons' and managers' prelicense courses and salespersons' post-license courses) must have the Commission's prior written authorization. A licensee who renews a license on or after July 1, 2016 must have satisfactorily completed at least three hours of continuing education on the topic of license law during each renewal period.

A licensee who has successfully completed an approved course to meet part of his or her continuing education credit may not repeat that course unless at least one full year has passed since he or she last completed that course.

Attendance requirements

The required Notice to Students must describe the school's attendance requirements, including:

- notice that the student must be on time and present for all in-class hours in order to receive credit for the course; and
- a statement indicating how students may make-up absences if the school has an established make-up policy.

Thus, a student must attend all required hours of in-class instruction for which a course has been approved in order to receive certification as passing an approved course.

A make-up policy may permit a student who misses one or more course sessions to make them up by attending similar sessions of the same course. Schools may use no more than 30 minutes of audio or video material toward meeting any required or make-up hours of in-class instruction unless the Commission grants written authorization.

Online classes

The Commission may establish standards for offering continuing education courses by "methods of instruction, which it deems to be educationally sound, other than in-class instruction."

For computer-based courses, the required Notice to Students must include:

- the approved school's name and address;
- the order in which the student must submit homework assignments;
- a statement that the students must personally complete all required instructional modules and sign the required certification statements;
- a statement that the student must successfully complete all assignments before receiving credit or attending any required in-class instruction; and
- an explanation of when and where to complete any required in-class instruction.

In distance education courses, a credit hour equals 60 minutes of instruction.

The following do not meet the distance-education course requirements:

- courses that "consist primarily of text material presented on a computer or other audio or audiovisual programs rather than in printed material";
- courses that "consist primarily of questions similar to those on the state licensing examination"; or
- courses that consist primarily of a combination of the above.

An approved instructor or the school coordinator or director must supervise the grading of required written work in computer-based courses.

A computer-based course for continuing education must consist of interactive computer-based instructional material that will "reasonably require the student completing the course to expend the number of hours for which the course is approved."

A computer-based course instructor must:

- be available to answer students' questions or provide assistance;
- provide reasonable oversight of students' work in order to ensure that the enrolled student is the one who completes the work;
- certify that the student has successfully completed a computer-based course only if the student has completed all instructional modules, attended any hours of live instruction or required testing, and passed any test required by a continuing education course; and
- obtain a certification from each student regarding module completion.

Other requirements

The Commission generally may not require a licensee to pass an examination in order to meet the continuing education requirements.

An individual applicant activating an original license must also pay a renewal fee to cover all fees due the Commission until the applicant's month of birth in the fourth calendar year following the calendar year in which the license was activated.

The renewal fees are as follows:

- renewal fees for the four-year renewal period are \$125 for each firm licensed as a broker and each approved school and "for each individual licensee and each approved instructor if

submitted and paid in any manner other than through the Commission's Internet on-line renewal system";

- renewal fees for the four-year renewal period are \$100 for each firm licensed as a broker, each individual licensee and each approved instructor if paid through the Commission's Internet on-line system; and
- the following additional renewal fee for reinstatement of any license or approval that lapsed solely for nonpayment of fees: (a) if reinstated within four months of the date it lapsed, \$100; and (b) if reinstated more than four months after the date it lapsed, \$100 plus an additional fee of \$25 for each month or portion of a month beyond four months from the lapse date.

A licensee who places a license on inactive status must pay the license renewal fee or the license will lapse.

The Commission may assess each licensee, upon renewal, an amount not to exceed \$30 per year if necessary to ensure that a minimum balance of \$1 million is maintained in the real estate education, research and recovery fund.

See r. 520-1-.04 and 520-1-.05(4) for detailed requirements that apply to a licensee who is reinstating a lapsed license.

ASSOCIATE BROKER REQUIREMENTS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON REQUIREMENTS

Exemptions

See "BROKER REQUIREMENTS" above.

Required hours

All real estate licensees are subject to the same required continuing education hours. (See "BROKER REQUIREMENTS" above.)

See "Licensing Prerequisites" for education requirements that apply to a salesperson's first year of licensure.

Minimum class length

All continuing education courses are subject to the same class-length minimums. (See "BROKER REQUIREMENTS" above.)

Subjects

All continuing education courses are subject to the same subject requirements. (See "BROKER REQUIREMENTS" above.)

Attendance requirements

All continuing education courses are subject to the same attendance requirements. (See "BROKER REQUIREMENTS" above.)

Online classes

All online continuing education courses are subject to the same provisions. (See "BROKER REQUIREMENTS" above.)

Other requirements

All licensees are subject to the same other requirements. (See "BROKER REQUIREMENTS" above.)

SPECIALTY LICENSE REQUIREMENTS

No specifically relevant provisions were located.

Section 43-40-8 amended 2012; § 43-40-12 amended 2007; § 43-40-22 amended 2012; rule 520-2-.02 amended 2011; r. 520-2-.04 amended 2016; r. 520-1-.04 amended 2017; § 520-1-.05 amended 2014.

Ga. Code Ann. §§ 43-40-8, -12, -22 (LexisNexis 2019); [Ga. Comp. R. & Regs. 520-1-.04, -.05; -2-.02, -.04 \(2019\)](#)

Georgia, Licensing Categories

BROKER

A "broker" includes any person who, for another and for valuable consideration (or with the intent or expectation of receiving consideration) acts as follows:

- "[n]egotiates or attempts to negotiate, or assists in procuring prospects for the listing, sale, purchase, exchange, renting, lease, or option for any real estate or of the improvements thereon";
- holds himself or herself out as a referral agent;
- collects or attempts to collect "rents, assessments or other trust funds";
- is employed by the owner of lots, time-share intervals, or other real estate parcels to sell the real estate;
- engages in the business of charging an advance fee or contracting for collecting a fee (other than for advertising), in connection with a contract "whereby he or she undertakes primarily to promote the sale of real estate either through its listing in a publication issued primarily for such purpose, or for referral of information concerning such real estate to brokers, or both";
- auctions real estate;
- deals in options to buy real estate;
- performs property or community association management services;
- provides to a party to a real estate transaction consulting services designed to assist the party in the negotiating or procuring prospects; or
- advertises or holds himself or herself out as engaged in any of the above acts.

ASSOCIATE BROKER

An "associate broker" is a person who acts on behalf of a real estate broker in performing any act authorized to be performed by the broker.

SALESPERSON

A "salesperson" is a person, other than an associate broker, who acts on behalf of a real estate broker in performing any act authorized to be performed by the broker.

SPECIALIST CATEGORIES

Community association manager

A "community association manager" is a person who acts on behalf of a real estate broker by providing only community association management services, which include providing, for consideration and to others, "management or administrative services on, in, or to the operation of the affairs of a community association, including, but not limited to, collecting, controlling, or disbursing the funds; obtaining insurance, arranging for and coordinating maintenance to the association property; and otherwise overseeing" the association's day-to-day operations. A "community association" is an owner organization of "residential or mixed use common interest realty association in which membership is mandatory as an incident of ownership within the development."

Section amended 2003.

Ga. Code Ann. § 43-40-1 (LexisNexis 2019)

Georgia, Licensing Exemptions

Chapter 43-40, which regulates real estate brokers and salespersons, does not apply to the following:

- a person who, as owner, the owner's spouse, the general partner of a limited partnership, lessor, or prospective purchaser or their regular employees, "performs any act with reference to property owned, leased, or to be acquired by such owner, limited partnership, lessor, or

prospective purchaser," provided the acts are performed in the regular course of managing the property and investing in it;

- a person who manages residential apartment complexes under a contract approved by a federal agency for an organization that is exempt from federal taxes pursuant to I.R.C. § 501(c)(3), provided the person was engaged in managing the property before January 1, 1989;
- an attorney-in-fact under a power of attorney to convey real estate from the owner or lessor;
- a licensed attorney practicing law;
- a receiver, bankruptcy trustee, administrator, executor or guardian;
- a person acting under court order or the authority of a will or trust instrument;
- an officer or employee of a government agency conducting official duties;
- a person employed by a public or private utility who performs an act with reference to property owned, leased, or to be acquired by the utility;
- a person who, "as owner or through another person engaged by such owner on a full-time basis or as owner of a management company whose principals hold a controlling ownership of such property," provides property or community association management services, "buys, sells, leases, manages, auctions, or otherwise deals" with property owned by that person;
- a person employed full-time by a property owner for the purpose of providing property or community association management services, "selling, buying, leasing, managing, auctioning, or otherwise dealing" with that property;

- a person employed full-time by a community association to provide community association management services;
- a person acting merely as a referral agent, who does not receive a referral fee from the party being referred, does not charge an advance fee and does not act as a referral agent in more than three transactions per year;
- an individual employed by a broker "to assist in property management services on property on which the broker has a written management agreement that the broker procured from and negotiated with the owner," provided certain other specified conditions are met;
- a person who provides property management services on properties available for less than 90 days' occupancy, provided certain other specified conditions are met;
- a member of a community association who provides community association management services only to one community association of which he or she is a member;
- a person who "performs only physical maintenance" on property; or
- a licensed certified public accountant acting solely as incident to his or her accounting practice.

The above exceptions do not apply to:

- a person, other than an owner or a full-time employee of the owner, who "performs the acts of a broker on property required to be registered under Article 1, 2, or 5 of Chapter 3 of Title 44";
- a person who holds a real estate license; or

- a person who uses or attempts to use the exceptions to evade licensure.

Section amended 2005.

Ga. Code Ann. § 43-40-29 (LexisNexis 2019)

Georgia, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

In order to qualify for a broker or associate broker's license, an applicant must:

- be a high school graduate or hold a certificate of equivalency; and
- furnish evidence of completing 60 instructional hours in an approved broker's course of study, provided that "if licensed as a community association manager, the applicant must furnish evidence of completion of an additional 75 instructional hours" in approved courses of study.

Schools may not count time students spend on breaks as part of the required instruction time, and time students spend taking graded exercises and tests or the final examination may not constitute more than 10 percent of the required instruction time.

The broker's prelicense course must:

- review all subject areas covered in the salesperson's prelicense course; and

- include "significant components covering conducting loan closings, real estate office management, personnel policies, trust account record keeping, discharging a broker's responsibility for associate licensees, and/or such other areas as the Commission may from time to time require or authorize."

A broker's examination applicant may also qualify to take the examination by presenting college transcripts that show courses in real estate subjects of at least 15 quarter hours or 9 semester hours. Those applicants must submit an official transcript, and the Commission may require him or her to provide a description of the courses from the school's catalogue or bulletin. Only (a) courses that count toward the student obtaining a major in the real estate field or deal with real estate principles, fundamentals, or essentials and (b) courses in agency, real property law and contract law at a law school satisfy this requirement. College correspondence courses and courses that qualify for continuing education units do not satisfy this provision.

Prelicense education courses for community association managers, salespersons, and brokers authorized in other states meet the corresponding prelicense education requirements in Georgia provided the courses:

- are similar in credit hours to Commission-approved prelicense courses; and
- are offered through classroom or computer-based instruction that is consistent with the requirements of r. 520-2-.05.

Service in "lower" category

In order to qualify for a broker's or associate broker's license, an applicant must have "maintained a license in active status for at least three of the five years immediately preceding the filing of an application to become a broker."

Waiver of qualifications for some professionals

The [Georgia Real Estate Commission](#) may grant a real estate license to an applicant who has moved to Georgia from another state or to an applicant for a non-resident license without further examination or education if the candidate produces, from the licensing body of each state in which he or she has been licensed, an original certificate issued no more than twelve months before the application date, showing that the applicant:

- has passed an examination for the type of license for which he or she is applying in Georgia;

- has met all prelicense and continuing education requirements in the other state;
- is licensed in good standing; and
- has not had any formal disciplinary action imposed by the other state's licensing body.

If the certification from the other state complies with all of the preceding requirements, the applicant must take and pass the qualifying examination for the Georgia license sought.

A licensed broker or associate broker who surrenders that license and applies for a salesperson's license need not take the salesperson's license exam. If that person later wishes to be relicensed as a broker, he or she is not required to take an additional broker's examination.

An instructor may meet the education requirements for examination if he or she submits satisfactory proof that he or she has taught a course or courses referenced in the licensing regulations within two years before applying to take an examination.

Annual fees and filings

An individual applicant activating an original license must also pay a renewal fee to cover all fees due the Commission until the applicant's month of birth in the fourth calendar year following the calendar year in which the license was activated.

The fees relevant to license renewals are as follows:

- renewal fees for the four-year renewal period are \$125 for each firm licensed as a broker and each approved school and "for each individual licensee and each approved instructor if submitted and paid in any manner other than through the Commission's Internet on-line renewal system";
- renewal fees for the four-year renewal period are \$100 for each firm licensed as a broker, each individual licensee and each approved instructor if paid through the Commission's Internet on-line system; and

- the following additional renewal fee for reinstatement of any license or approval that lapsed solely for nonpayment of fees: (a) if reinstated within four months of the date it lapsed, \$100; and (b) if reinstated more than four months after the date it lapsed, \$100 plus an additional fee of \$25 for each month or portion of a month beyond four months from the lapse date.

A licensee who places a license on inactive status must pay the license renewal fee or the license will lapse.

The Commission may assess each licensee, upon his or her renewal, an amount not to exceed \$30 per year to ensure that a minimum balance of \$1 million is maintained in the Real Estate Education, Research and Recovery Fund.

See r. 520-1-.05(4) for detailed requirements that apply to a licensee who is reinstating a lapsed license.

Each applicant for renewal of an active license must furnish to the Commission evidence of satisfactorily completing approved continuing education courses that total at least six hours for each year of the renewal period.

A broker renewing his or her license must complete a form regarding the status of his or her trust account and any trust account the broker allows affiliated licensees to maintain.

Any individual licensee who seeks to activate a license that has been on inactive status for a period of two years or longer generally must attend Commission-approved courses, consisting of at least six hours for each year the license was on inactive status.

If a licensee who resides in a county designated as a disaster area suffers uninsured major damage or loss to his or her residence or place of business, the commission may extend his or her license renewal period for up to two years without a fee.

A broker that changes the address of the broker's place of business must notify the commission, in writing, within 30 days of the change.

Applicant investigation

The Commission may grant a license only to persons "who bear a good reputation for honesty, trustworthiness, integrity, and competence to transact the business of a licensee in such manner as to safeguard" the public's interest and only after "satisfactory proof of such qualifications has been presented to the commission."

The Commission may license a broker or associate broker applicant who has been convicted of certain specified offenses (as discussed below) only if:

- at least ten years have passed since the applicant was convicted, sentenced or released from incarceration, whichever is later;
- no criminal charges are pending against the applicant; and
- the applicant presents satisfactory proof that he or she now has "a good reputation for honesty, trustworthiness, integrity, and competence to transact the business of a licensee" in a manner to safeguard the public's interest.

The Commission may also refuse to issue a license to an applicant who has been:

- found guilty of a violation of the federal fair housing law;
- found to be not in compliance with a child-support order; or
- previously sanctioned by the Commission.

The Commission may investigate the actions of any licensure applicant. A person authorized to conduct the investigation may examine any "writings, documents or other material" that may be related to the investigation. The Commission is authorized to obtain conviction data with respect to an applicant. As used in this context, "conviction data" means "a record of a finding or verdict of guilty or plea of guilty or plea of nolo contendere with regard to any crime, regardless of whether an appeal of the conviction has been brought, or a record of a sentencing to first offender treatment without an adjudication of guilt."

The Commission may require an applicant to submit "two complete sets of classifiable fingerprints" if the applicant has "been convicted of, pled nolo contendere to, or been granted first offender treatment upon being charged with" the following:

- a criminal offense other than a traffic violation; or
- a traffic violation that "involved driving under the influence of alcohol or drugs, homicide or feticide by vehicle, fleeing the scene of an accident, attempting to elude a police officer, or impersonating a law enforcement officer."

The Commission must submit both sets of fingerprints to the Georgia Crime Information Center, which must send one set to the F.B.I. The Georgia Crime Information Center retains the other set to conduct a search of its own records and any records to which it has access. The Commission may use any conviction data it receives only to carry out its responsibilities in granting licenses, and the data will not be a public record, is privileged, and may not be disclosed to any other person or agency unless otherwise provided by § 43-40-27.

No more than 60 days before applying, each applicant for a license or for instructor approval must obtain, at the applicant's expense, and attach to the application:

- a certified criminal history report issued by the Georgia Crime Information Center, indicating whether the applicant has a criminal record; or
- for applicants who have not lived in Georgia, a certified criminal history report from their resident state that is equivalent to a Georgia certified criminal history report.

If that report indicates that the applicant has a record in another jurisdiction, or if the applicant is unable to obtain a report, the applicant must, at his or her expense, provide any necessary fingerprints, fees or other requirements so that the Commission may obtain a Federal Crime Information Center report from the F.B.I.

See r. 520-1-.04(8), (9) and (11) for specific provisions that apply to applicants with convictions and sanctions.

Effective January 1, 2012, all real estate applicants must also submit: with their licensure or renewal application:

- a secure and verifiable document for identification purposes, such as a driver's license, U.S. passport, U.S. military identification card, U.S. permanent resident card or alien registration receipt card; and
- a signed and sworn affidavit, verifying the applicant's lawful presence in the United States.

Examinations

To qualify for a broker's or associate broker's license, an applicant must pass a real estate examination that generally covers the "matters confronting real estate brokers."

The Commission also mandates that all prelicense courses and the salesperson's post-license course must require that students achieve a passing score on a final examination, which score must be "consistent with the passing score required on state qualifying examinations for these licenses unless a school has first obtained the written permission of the Commission to require a different passing score." Schools may permit a student who fails the exam to take it again on another day without repeating the instruction, but if a student fails a second final examination, the student must repeat all course instruction before taking another examination.

An applicant must pay at the time he or she applies for an examination a \$121 fee for the prelicense examination and an investigation fee, if necessary. If an applicant fails an examination, the applicant may take another examination as soon as scheduling permits, upon filing a new application and paying an additional fee.

The following licensure candidates are entitled to credits on the exam:

- a candidate who served on active duty in the U.S. armed forces or in a reserve component of the armed forces (including the National Guard) for a period of at least one year, of which at least 90 days were served during wartime or during a conflict when military personnel were committed by the president, is entitled to a five-point credit, to be applied as set forth in r. 520-1-.04(3)(b);
- a candidate who is disabled who served on active duty in the U.S. armed forces or in a reserve component of the armed forces (including the National Guard), during wartime or during a conflict when military personnel were committed by the president, and who was discharged for injury or illness incurred in the line of duty, is entitled to a five-point credit if the disability is officially rated at less than 10 percent, which credit is to be applied as set forth in r. 520-1-.04(3)(c); and

- a candidate who is a disabled veteran who served on active duty in the U.S. armed forces or in a reserve component of the armed forces (including the National Guard), during wartime or during a conflict when military personnel were committed by the president, and who was discharged for injury or illness incurred in the line of duty, is entitled to a ten-point credit if the disability is officially rated at 10 percent or more, which credit is to be applied as set forth in r. 520-1-.04(3)(d).

The above credits do not apply to a candidate who was not honorably discharged. A candidate for licensure seeking to qualify for veterans' preference points must also meet the specific service requirements set forth in r. 520-1-.04(3)(f).

A candidate for licensure who has moved to Georgia from another state may be granted a license without examination or education if he or she produces from the licensing body of each state which has licensed the candidate an original certification, issued no more than 12 months prior to the Georgia application, showing that the candidate:

- has passed an exam for the type of license sought in Georgia;
- has met all prelicensing and continuing education requirements required by the other state;
- is licensed and in good standing at the time of the certification; and
- has not had any disciplinary action imposed by the other state's licensing body.

Other prerequisites

In order to qualify for a broker's or an associate broker's license, an applicant must:

- be at least 21 years old;

- be a resident of Georgia, unless he or she has complied with the requirements of § 43-40-9;
- be a high school graduate or hold a certificate of equivalency;
- have served actively for three years as a licensee;
- furnish evidence of completing the 60-hour broker's course of study; and
- pass the required examination.

The Commission may deny, without a hearing, the license of any person who fails to meet any of the above requirements.

An applicant must file a license application with the Commission, which must include the following:

- the applicant's name and address (or the name under which he or she intends to conduct business) and, if the applicant is an entity, the name and residence address of each member or its principal officers, as applicable;
- the places where the applicant conducts business; and
- any other information the Commission requires.

The original licensing fee is \$170 if a license application is submitted within 90 days of passing the exam and \$340 if the application is submitted after 90 days but within 12 months.

The activation fee for original licensure as an individual broker, associate broker, salesperson, community association manager is \$45.00 which includes \$20.00 for the Real Estate Education, Research, and Recovery Fund. When an individual applicant activates an original license, that

applicant must pay the activation fee and a renewal fee that covers all fees due to the Commission until "the applicant's month of birth in the fourth calendar year following the calendar year in which the license was activated."

A person who has successfully passed the broker's examination must activate the license by applying for activation within 12 months from the examination date. After that 12-month period, the applicant must retake the examination.

Corporate licensees

The Commission may not grant a broker's license to a firm or an entity unless:

- a firm designates an individual licensed as a broker as its qualifying broker, who must assure that the firm and its affiliated licensees comply with the applicable statutes, rules and regulations;
- a firm "authorizes its qualifying broker to bind the firm to any settlement of a contested case" before the Commission in which the firm may be a named respondent;
- every person who acts as a licensee for a firm holds a real estate license; and
- a firm applying for a broker's license, and a corporation, limited liability company or partnership applying for an associate broker's or a salesperson's license must pay an activation fee in advance.

The Commission may deny a license if a stockholder, member or partner (or any combination thereof) who owns more than 20 percent of the entity:

- "does not bear a good reputation for honesty, trustworthiness, and integrity";
- has been convicted of certain specified crimes; or
- has been sanctioned by a regulatory agency for violating a law related to selling real estate.

A corporation applying for a broker's license must submit with its application:

- a copy of its corporate charter as registered with Secretary of State; and
- if the corporation wishes to conduct business under a trade name, a certified copy of its trade name certificate.

A partnership applying for a broker's license must submit with its application:

- a copy of its partnership agreement; and
- a certified copy of its trade name certificate.

A limited liability company applying for a broker's license must submit with its application:

- a copy of its certificate of authority to transact business in Georgia; and
- if the limited liability company wishes to conduct business under a trade name, a certified copy of its trade name certificate.

The trade name of a franchisee applying for a broker's license must include the franchise name "in a manner reasonably calculated to discern it from any other firm registered with the Commission."

Whenever a firm applicant activates an original license, it must pay an activation fee and a renewal fee that covers all fees due the Commission "until the month of the fourth anniversary of the activation of a license by the firm." The activation fee for original licensure as a firm is \$75.00 which includes \$20.00 for the Real Estate Education, Research, and Recovery Fund

ASSOCIATE BROKER QUALIFICATIONS

See "BROKER QUALIFICATIONS" above.

SALESPERSON OR AGENT QUALIFICATIONS

Education

In order to qualify for a salesperson's license, an applicant must:

- be a high school graduate or hold a certificate of equivalency; and
- furnish evidence of completing at least 75 instructional hours in an approved salesperson's course of study.

An approved salesperson's prelicense course must contain at least 75 instructional hours of instruction. Schools may not count time students spend on breaks as part of the required instruction time, and time spent taking graded exercises and tests or final examinations may not constitute more than 10 percent of the required instruction time.

The course must cover "fundamentals" in the following areas:

- real estate contracts, loan assumptions, brokerage engagements and leases;
- real estate instruments and conveyances;
- closing procedures and responsibilities, including RESPA;
- agency law and disclosure;
- pricing real property;

- real estate financing;
- Georgia's residential mortgage fraud laws and identifying and reporting fraud;
- community association and property management activities;
- environmental laws;
- taxation;
- urban development;
- fair housing;
- anti-trust laws;
- safety precautions;
- real estate license laws; and
- any other areas the Commission may require or authorize.

An applicant may also qualify to take the examination by presenting college transcripts that show courses in real estate subjects of at least 10 quarter hours or six semester hours if the application is taking the salesperson's examination. Those applicants must submit an official transcript, and the Commission may require him or her to provide a description of the courses from the school's

catalogue or bulletin. Only (a) courses that count toward the student obtaining a major in the real estate field or deal with real estate principles, fundamentals, or essentials and (b) courses in agency, real property law and contract law at a law school satisfy this requirement. College correspondence courses and courses that qualify for continuing education units do not satisfy this requirement.

Prelicense education courses for community association managers, salespersons and brokers authorized in other states meet the corresponding prelicense education requirements in Georgia provided the courses:

- are similar in credit hours earned to Commission approved prelicense courses; and
- are offered through classroom or computer-based instruction that is consistent with the requirements of r. 520-2-.05.

First-year educational requirements

Upon being issued an original salesperson's license, the licensee must furnish to the Commission, within one year of the date the original license was issued, evidence of satisfactory completion of an approved course of at least 25 instructional hours. The licensee must pass an examination covering the subject matter contained in the course. The license of any salesperson who fails to timely complete the course will lapse. A salesperson who enrolled in the course within the requisite one-year period and has paid all required course fees may reinstate his or her license by completing the course within six months if:

- he or she has not completed all in-class sessions or the required exercises or examinations;
- he or she produces a "medical doctor's certification of incapacitation" that caused the licensee to be unable to complete the class sessions and the examination; or
- the school cancelled the course.

If the salesperson fails to reinstate a lapsed license within that six-month period, he or she must qualify as an original applicant.

A sales post-license course must provide at least 25 instructional hours. Schools may not count time students spend on breaks as part of the required instruction time, and time spent taking graded exercises and tests or final examinations may not constitute more than 10 percent of the required instruction time. The course curriculum must focus on "legal fundamentals and/or basic practices in sales or management of residential, agricultural, commercial, or industrial properties." If the subject matter addresses residential sales, it must include a component on Georgia's residential mortgage fraud law.

A non-resident salesperson who has successfully completed a post-license course similar to Georgia's course before he or she was issued his or her Georgia salesperson's license (or during the first year after being issued such a license) is deemed to have met the first-year education requirements.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

A licensed broker or associate broker who surrenders his or her license and applies for a salesperson's license need not take the salesperson's license examination. If that person later wishes to be relicensed as a broker, he or she need not retake an additional broker's examination.

The Commission may grant a real estate license to an applicant who has moved to Georgia from another state or to an applicant for a non-resident license without further examination or education if the candidate produces, from the licensing body of each state in which he or she has been licensed, an original certificate issued no more than twelve months before the application date, showing that the applicant:

- has passed an examination for the type of license for which he or she is applying in Georgia;
- has met all prelicense and continuing education requirements in the other state;
- is licensed in good standing; and
- has not had any formal disciplinary action imposed by the other state's licensing body.

An instructor may meet the education requirements for examination if he or she submits satisfactory proof that he or she has taught a course or courses referenced in the licensing regulations within two years before applying to take an examination.

Annual fees and filings

An individual applicant activating an original license must also pay a renewal fee to cover all fees due the Commission until the applicant's month of birth in the fourth calendar year following the calendar year in which the license was activated.

The fees relevant to license renewals are as follows:

- renewal fees for the four-year renewal period are \$125 "for each individual licensee and each approved instructor if submitted and paid in any manner other than through the Commission's Internet on-line renewal system";
- renewal fees for the four-year renewal period are \$100 for each individual licensee and each approved instructor if paid through the Commission's Internet on-line system; and
- the following additional renewal fee for reinstatement of any license or approval that lapsed solely for nonpayment of fees: (a) if reinstated within four months of the date it lapsed, \$100; and (b) if reinstated more than four months after the date it lapsed, \$100 plus an additional fee of \$25 for each month or portion of a month beyond four months from the lapse date.

A licensee who places a license on inactive status must pay the license renewal fee or the license will lapse.

The Commission, "in its discretion and based upon the need to ensure that a minimum balance of \$1 million is maintained in the real estate education, research, and recovery fund," may assess each licensee upon his or her license renewal an amount not to exceed \$30 per year.

See r. 520-1-.05(4) for detailed requirements that apply to a licensee who is reinstating a lapsed license.

Each applicant for renewal of an active license must furnish to the Commission before renewing a license evidence of satisfactorily completing approved continuing education courses that total at least six hours for each year of the renewal period.

If a licensee who resides in a county designated as a disaster area suffers uninsured major damage or loss to his or her residence or place of business, the Commission may extend his or her license renewal period for up to two years without a fee.

Applicant investigation

No person who has a conviction for a felony or any crime involving moral turpitude shall be eligible to become an applicant for a license unless at least two years have passed since such person successfully completed all terms and conditions of any sentence imposed for such conviction. If the person has multiple convictions, at least five years must have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval.

The applicant must prove that all terms and conditions of any conviction have been satisfied, and no criminal charges for forgery, embezzlement, obtaining money under false pretenses, theft, extortion, conspiracy to defraud, a felony, a sex offense, a probation violation, or a crime involving moral turpitude may be pending against the applicant. The applicant with a conviction must also present satisfactory proof that he or she now bears a good reputation for honesty, trustworthiness, integrity, and competence to transact the business of a licensee in such a manner as to safeguard the interest of the public.

A conviction of forgery, embezzlement, obtaining money under false pretenses, theft, extortion, conspiracy to defraud, or other like offense or offenses or of a felony, a sex offense, a probation violation, or a crime involving moral turpitude may be a sufficient ground for refusal of a license.

The Commission may refuse to grant a license to an applicant who has been:

- found guilty of violating the federal fair housing law;
- found to be not in compliance with a child-support order;
- found to be a borrower in default who is not in satisfactory repayment status; or
- previously sanctioned by the Commission.

The Commission may investigate the actions of any licensure applicant. A person authorized to conduct the investigation may examine any "writings, documents or other material" that may be related to the investigation. The Commission is authorized to obtain conviction data with respect

to an applicant. As used in this context, "conviction data" means "a record of a finding or verdict of guilty or plea of guilty or plea of nolo contendere with regard to any crime, regardless of whether an appeal of the conviction has been brought, or a record of a sentencing to first offender treatment without an adjudication of guilt."

The Commission may require an applicant to submit "two complete sets of classifiable fingerprints" if the applicant has "been convicted of, pled nolo contendere to, or been granted first offender treatment upon being charged with" the following:

- a criminal offense other than a traffic violation; or
- a traffic violation that "involved driving under the influence of alcohol or drugs, homicide or feticide by vehicle, fleeing the scene of an accident, attempting to elude a police officer, or impersonating a law enforcement officer."

The Commission must submit both sets of fingerprints to the Georgia Crime Information Center, which must send one set to the F.B.I. The Georgia Crime Information Center retains the other set to conduct a search of its own records and any records to which it has access. The Commission may use any conviction data it receives only to carry out its responsibilities in granting licenses, and the data will not be a public record, is privileged, and may not be disclosed to any other person or agency unless otherwise provided by § 43-40-27.

No more than 60 days before applying, each applicant for a license or for instructor approval must obtain, at the applicant's expense, and attach to the application:

- a certified criminal history report issued by the Georgia Crime Information Center, indicating whether the applicant has a criminal record; or
- for applicants who have not lived in Georgia, a certified criminal history report from their resident state that is equivalent to the Georgia certified criminal history report.

If that report indicates that the applicant has a record in another jurisdiction, or if the applicant is unable to obtain a report, the applicant must, at his or her expense, provide any necessary fingerprints, fees or other requirements so that the Commission may obtain a Federal Crime Information Center report from the F.B.I.

See r. 520-1-.04(8), (9) and (11) for specific provisions that apply to applicants with convictions and sanctions.

Examinations

In order to qualify for a salesperson's license, an applicant must pass a real estate examination covering "generally the matters confronting real estate brokers and salespersons."

A salesperson must also pass an examination covering the subject matter contained in the required prelicense and post-license courses. Schools may permit a student who fails the exam to take it again on another day without repeating the course, but if the student fails a second final examination, he or she must repeat all course instruction before taking another examination.

An applicant must pay at the time he or she applies for an examination a fee for the examination and an investigation fee, if necessary. If an applicant fails an examination, the applicant may take another examination as soon as scheduling permits, upon filing a new application and paying an additional fee.

The following licensure candidates are entitled to credits on the exam:

- a candidate who served on active duty in the U.S. armed forces or in a reserve component of the armed forces (including the National Guard) for a period of at least one year, of which at least 90 days were served during wartime or during a conflict when military personnel were committed by the president, is entitled to a five-point credit, to be applied as set forth in r. 520-1-.04(3)(b);
- a candidate who is disabled who served on active duty in the U.S. armed forces or in a reserve component of the armed forces (including the National Guard), during wartime or during a conflict when military personnel were committed by the president, and who was discharged for injury or illness incurred in the line of duty, is entitled to a five-point credit if the disability is officially rated at less than 10 percent, which credit is to be applied as set forth in r. 520-1-.04(3)(c); and
- a candidate who is a disabled veteran who served on active duty in the U.S. armed forces or in a reserve component of the armed forces (including the National Guard), during wartime or during a conflict when military personnel were committed by the president, and who was discharged for injury or illness incurred in the line of duty, is entitled to a ten-point credit if the disability is officially rated at 10 percent or more, which credit is to be applied as set forth in r. 520-1-.04(3)(d).

The above credits do not apply to a candidate who was not honorably discharged. A candidate for licensure seeking to qualify for the veterans' preference points must also meet the specific service requirements set forth in r. 520-1-.04(3)(f).

Other prerequisites

In order to qualify for a salesperson's license, an applicant must:

- be at least 18 years old;
- be a resident of the Georgia, unless he or she has complied with the requirements of § 43-40-9;
- be a high school graduate or hold a certificate of equivalency;
- furnish evidence of completing the 75-hour salesperson's course of study; and
- pass the required examination.

The Commission may deny, without a hearing, any applicant who fails to meet any of these requirements.

A person who has successfully passed the salesperson's examination must apply for an active or inactive license within three months from the examination date. After three months, he or she must pay a fee equal to two times the original application fee. A person who fails to activate his or her license by applying within 12 months from the examination date must retake the examination.

An applicant must file a license application with the Commission, which must include the following:

- the applicant's name and address (or the name under which he or she intends to conduct business) and, if the applicant is an entity, the name and residence address of each member or its principal officers, as applicable;

- the places where the applicant conducts business; and
- any other information that the Commission requires.

The original licensing fee is \$170 if a license application is submitted within 90 days of passing the exam and \$340 if the application is submitted after 90 days but within 12 months.

The activation fee for an original license as an individual broker, associate broker, salesperson or community association manager is \$45, which includes \$20 for the Real Estate Education, Research, and Recovery Fund. When an individual applicant activates an original license, that applicant must pay the activation fee and a renewal fee that covers all fees due to the Commission until "the applicant's month of birth in the fourth calendar year following the calendar year in which the license was activated."

SPECIALIST QUALIFICATIONS

Community association managers

Education

In order to qualify for a broker's or an associate broker's license, an applicant must:

- be a high school graduate or hold a certificate of equivalency; and
- furnish evidence of completing 60 in-class hours in an approved broker's course of study, provided that "if licensed as a community association manager, the applicant must furnish evidence of completion of an additional 75 in-class hours" in approved courses of study.

An examination applicant may also qualify to take the examination by presenting college transcripts that show courses in real estate subjects of at least four quarter hours or two semester hours with a "concentration in community associations and community association management." Applicants must submit an official transcript, and the Commission may require him or her to provide a description of the courses from the school's catalogue or bulletin. Only (a) courses that count towards the student obtaining a major in the real estate field or deal with real estate principles, fundamentals, or essentials and (b) courses in agency, real property law and contract law at a law

school satisfy this requirement. College correspondence courses and courses that qualify for continuing education units do not satisfy this requirement.

In addition to passing the qualifying examination, an applicant for a community association manager's license must submit evidence of successful completion of the community association manager's prelicense course (or an approved equivalent course).

Prelicense education courses for community association managers, salespersons and brokers authorized in other states meet the corresponding prelicense education requirements in Georgia provided the courses:

- are similar in credit hours earned to Commission approved prelicense courses; and
- are offered through classroom or computer-based instruction that is consistent with the requirements of r. 520-2-.05.

A community association manager's license applicant must generally furnish evidence of completing at least 25 in-class hours in an approved community association manager's course. Schools may not count time students spend on breaks, and time spent taking graded exercises and tests or final examinations may not constitute more than 10 percent of in-class instruction time. The course must cover "fundamentals" in the following areas:

- property law, including Georgia law regarding "common interest ownership, public rights and limitations, and fair housing laws";
- forms of ownership and interpreting community association governing documents;
- contracts and transaction documents;
- real estate instruments and conveyances;

- the law of agency, including the relationships and duties between community association managers and association boards, members and tenants;
- single and dual agency;
- agency disclosure;
- financing instruments and basic accounting practices;
- Georgia real estate license law;
- community association management ethics;
- environmental laws;
- safety precautions; or
- any other areas the Commission may require or authorize.

First-year educational requirements

No relevant provisions were located.

Service in "lower" category

No specifically relevant provisions were located. (See "BROKER QUALIFICATIONS" above.)

Waiver of qualifications for some professionals

No specifically relevant provisions were located. (See "BROKER QUALIFICATIONS" above.)

Annual fees and filings

No specifically relevant provisions were located. (See "BROKER QUALIFICATIONS" above.)

Applicant investigation

No person who has a conviction for a felony or any crime involving moral turpitude shall be eligible to become an applicant for a license unless at least two years have passed since such person successfully completed all terms and conditions of any sentence imposed for such conviction. If the person has multiple convictions, at least five years must have passed since the individual satisfied all terms and conditions of any sentence imposed for the last conviction before making application for licensure or approval.

The applicant must prove that all terms and conditions of any conviction have been satisfied, and no criminal charges for forgery, embezzlement, obtaining money under false pretenses, theft, extortion, conspiracy to defraud, a felony, a sex offense, a probation violation, or a crime involving moral turpitude may be pending against the applicant. The applicant with a conviction must also present satisfactory proof that he or she now bears a good reputation for honesty, trustworthiness, integrity, and competence to transact the business of a licensee in such a manner as to safeguard the interest of the public.

A conviction of forgery, embezzlement, obtaining money under false pretenses, theft, extortion, conspiracy to defraud, or other like offense or offenses or of a felony, a sex offense, a probation violation, or a crime involving moral turpitude may be a sufficient ground for refusal of a license.

Examinations

In order to qualify for a community association manager's license, an applicant must pass an approved real estate examination covering "generally the matters confronting real estate brokers who provide community association management services and community association managers."

The Commission mandates that all prelicense courses must require that students achieve a passing score on a final examination, which score must be "consistent with the passing score required on state qualifying examinations for these licenses unless a school has first obtained the written permission of the Commission to require a different passing score." Schools may permit a student who fails the exam to take it again on another day without repeating the instruction, but if a student fails a second final examination, the student must repeat all course instruction before taking another examination.

An applicant must pay at the time he or she applies for an examination a fee for the examination and an investigation fee, if necessary. If an applicant fails an examination, the applicant may take another examination as soon as scheduling permits, upon filing a new application and paying an additional fee.

The following licensure candidates are entitled to credits on the exam:

- a candidate who served on active duty in the U.S. armed forces or in a reserve component of the armed forces (including the National Guard) for a period of at least one year, of which at least 90 days were served during wartime or during a conflict when military personnel were committed by the president, is entitled to a five-point credit, to be applied as set forth in r. 520-1-.04(3)(b);
- a candidate who is disabled who served on active duty in the U.S. armed forces or in a reserve component of the armed forces (including the National Guard), during wartime or during a conflict when military personnel were committed by the president, and who was discharged for injury or illness incurred in the line of duty, is entitled to a five-point credit if the disability is officially rated at less than 10 percent, which credit is to be applied as set forth in r. 520-1-.04(3)(c); and
- a candidate who is a disabled veteran who served on active duty in the U.S. armed forces or in a reserve component of the armed forces (including the National Guard), during wartime or during a conflict when military personnel were committed by the president, and who was discharged for injury or illness incurred in the line of duty, is entitled to a ten-point credit if the disability is officially rated at 10 percent or more, which credit is to be applied as set forth in r. 520-1-.04(3)(d).

The above credits do not apply to a candidate who was not honorably discharged. A candidate for licensure seeking to qualify for the veterans' preference points must also meet the specific service requirements set forth in r. 520-1-.04(3)(f).

Other prerequisites

In order to qualify for a community association manager's license, an applicant must:

- be at least 18 years old;

- be a resident of the Georgia, unless he or she has complied with the requirements of § 43-40-9;
- be a high school graduate or hold a certificate of equivalency;
- furnish evidence of completing at least 25 in-class hours in a community association manager's course of study; and
- pass the required examination.

The Commission may deny, without a hearing, any applicant who fails to meet any of these requirements.

The Commission may require that each broker who provides community association management services and who deals with community association funds must be covered by a fidelity bond or fidelity insurance coverage.

An applicant must file a license application with the Commission, which must include the following:

- the applicant's name and address (or the name under which he or she intends to conduct business) and, if the applicant is an entity, the name and residence address of each member or its principal officers, as applicable;
- the places where the applicant conducts business; and
- any other information that the Commission requires.

Section 43-40-22.1 enacted 1996; §§ 43-40-7, 43-40-19 amended 2000; § 43-40-27.1 enacted 2000; § 43-40-9 amended 2003; §§ 43-40-10 and 43-40-27 amended 2006; § 43-40-12 amended 2007; §§ 43-40-8 and 43-40-22 amended 2012; § 43-40-15 amended 2019; §§ 50-36-1, -2 amended 2013; rules amended 2014.

Ga. Code Ann. §§ 43-40-7, -8, -9, -10, -12, -15, -19, -22, -22.1, -27, -27.1; 50-36-1, -2 (LexisNexis 2019); [Ga. Comp. R. & Regs. 520-1-.04, -.05 \(2019\)](#); [Lawful Presence Verification Form \(2012\)](#)

Guam

Guam, Continuing Education Approval

PROVIDER

No relevant provisions were located.

CONTENT

Before renewing an original broker's license, the broker must successfully complete an additional 90 classroom hours from the following topics:

- real estate practice;
- real estate appraisals;
- property management;
- real estate finance;
- real estate law;
- real estate office administration;
- general accounting;
- business law;

- escrow;
- real estate contracts; or
- "any real estate oriented study area."

Of the 90 classroom hours, 18 hours must cover the following consumer-protection areas:

- land use regulation;
- consumer disclosures;
- agency relationships;
- "fair practices";
- "environmental regulation and considerations";
- real estate transaction taxes; and
- probate.

Any of the ninety hours of instruction may be fulfilled by the completion of courses approved by the Guam Association of Realtors.

Guam statutes do not specifically address the required content for courses used to comply with the continuing education requirement for subsequent license renewals (16 hours every two years).

MATERIALS

No relevant provisions were located.

INSTRUCTOR QUALIFICATIONS

No relevant provisions were located.

PRIOR APPROVAL REQUIREMENTS

No relevant provisions were located.

EXAMINATION

No relevant provisions were located.

Section amended 2010.

[Guam Code Ann. tit. 21, § 104208 \(2019\)](#)

[Guam, Continuing Education Requirements](#)

BROKER REQUIREMENTS

Exemptions

The [Guam Real Estate Commissioner](#) ("Commissioner") may allow a licensee to substitute the hour requirements, if the Commissioner determines that the licensee is "otherwise and similarly qualified by reason of completion of equivalent educational coursework in any accredited institution of higher learning or any degree granting accredited institution."

The requirement that the Commissioner must grant an exemption from the continuing education requirement to licensees "with an original . . . license to any person who has been issued a license" for 15 consecutive years or who is 70 years old was repealed in 2010.

Required hours

Before renewing an original broker's license, the broker must furnish satisfactory evidence of successful completion of an additional 90 classroom hours of study on specific topics, including 18 hours in the consumer protection area. (See "Subjects" below.)

For subsequent renewals, the broker's renewal period is four years, with a continuing education requirement of 16 hours every two years. If the broker acquires more than the 16 hours during a two-year period, he or she may credit the excess hours to future renewal requirements.

Minimum class length

No relevant provisions were located.

Subjects

Before renewing an original broker's license, the broker must successfully complete 90 classroom hours from the following topics:

- real estate practice;

- real estate appraisals;

- property management;

- real estate finance;

- real estate law;

- real estate office administration;

- general accounting;

- business law;
- escrow;
- real estate contracts; or
- "any real estate oriented study area."

Of the 90 classroom hours, 18 hours must cover consumer-protection areas as follows:

- land use regulation;
- consumer disclosures;
- agency relationships;
- "fair practices";
- "environmental regulation and considerations";
- real estate transaction taxation; and
- probate.

Any of the ninety required hours may be fulfilled by completion of courses approved by the Guam Association of Realtors.

Guam statutes do not specifically address the required continuing education course content for courses used to comply with the continuing education requirement for subsequent license renewals (16 hours every two years).

Attendance requirements

No relevant provisions were located.

Online classes

No relevant provisions were located.

Other requirements

No relevant provisions were located.

ASSOCIATE BROKER REQUIREMENTS

No relevant provisions were located.

SALESPERSON REQUIREMENTS

Exemptions

All real estate licensees are subject to the same continuing education exemptions. (See "BROKER REQUIREMENTS" above.)

Required hours

Before renewing an original license, a salesperson must successfully complete an additional 45 classroom hours of study in the topics listed above. (See list in "BROKER REQUIREMENTS: Subjects" above.)

For subsequent renewals, a salesperson's renewal period is four years, with a continuing education

requirement of 12 hours every two years. If a salesperson acquires more than 12 hours during the two-year period, he or she may credit the excess hours to future renewal requirements.

Minimum class length

No relevant provisions were located.

Subjects

All real estate licensees must take continuing education courses that cover the same subjects. (See "BROKER REQUIREMENTS" above.)

Attendance requirements

No relevant provisions were located.

Online classes

No relevant provisions were located.

Other requirements

No relevant provisions were located.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section 104208 amended 2010; sections 104209 and 104211 amended 1999.

[Guam Code Ann. tit. 21, §§ 104208, 104209, 104211 \(2019\)](#)

Guam, Licensing Categories

BROKER

A "broker" is "an individual, other than a salesman, who, for another and for compensation":

- "sells, exchanges, purchases, rents or leases real estate," or offers to do so;
- "negotiates, offers, attempts or agrees to negotiate" a real estate transaction;
- lists, offers, attempts or agrees to list real estate;
- "auctions, offers, attempts or agrees to auction real estate";
- deals in real estate options;
- "collects, offers, attempts or agrees to collect" real estate rent;
- advertises or holds himself out as being engaged in the real estate business;
- procures prospects;
- engages in the business of charging an advance fee in connection with a contract to promote a real estate sale through a listing in a publication issued for such purpose or for referring real estate information to brokers;
- procures or arranges mortgage financing on real property while not acting as a licensed mortgagee or his agent who is authorized to make real property loans; or
- performing any of the above acts as an employee of or on behalf a real estate owner for compensation.

Any person who performs any single act described above for consideration is deemed to be a broker, associate broker or salesman.

ASSOCIATE BROKER

Although Guam statutes mention "associate brokers," they do not define the term.

SALESMAN

A "salesman" is a natural person who, for compensation, is employed by a licensed broker:

- to sell, offer for sale, list, buy, offer to buy or negotiate the purchase, sale or exchange of real estate;
- to solicit prospective real estate purchasers;
- to solicit borrowers or lenders for or to negotiate a real estate loan;
- to lease, offer to lease or negotiate the sale, purchase or exchange of leases;
- to rent, or place for rent, real estate or improvements; or
- to assist or offer to assist another in filing an application to purchase or lease land owned by the territory or the federal government.

A "salesman" also includes a natural person who for compensation is employed by a broker to sell a promissory note secured by real property, unless the note is "sold to an underwriter or is one of a series of notes."

Any person who performs, or offers, attempts or agrees to perform, or performs any single act described above for consideration is deemed to be a broker, associate broker or salesman.

Although Guam statutes define the term "salesman," they also use the term "salesperson" in some sections.

SPECIALIST CATEGORIES

No relevant provisions were located.

Section 104102 amended 1975; §§ 104103, 104104, 104106 and 104107 enacted approximately 1972.

[Guam Code Ann. tit. 21, §§ 104102, 104103, 104104, 104106, 104107 \(2019\)](#)

Guam, Licensing Exemptions

The Guam Real Estate Dealers Laws, which are contained in Division 3 and include the territory's real estate licensing requirements, do not apply to:

- a person or entity (or his, her or its regular employee) who performs a real estate act with reference to property he or she owns or leases, provided he or she performs the acts "in the regular course of or as an incident to the management, sale or other disposition of such property and the investment therein" and provided that (a) the regular employees may not perform any of the acts in connection with a real estate vocation and (b) this exemption does apply to a person or entity in the business of purchasing unimproved land for development and subdivision purposes;
- an attorney-in-fact acting under a recorded power of attorney;
- any attorney-at-law performing as such;
- a receiver, bankruptcy trustee, administrator, executor or guardian;
- a person acting under a court order or pursuant to a will or trust instrument;
- a resident manager for an owner or an employee acting as a resident manager for a broker "managing an apartment building, duplex, apartment complex or court," if the resident manager resides on the premises and is engaged in leasing property;

- an officer or employee of a federal agency conducting official duties;
- a territory officer or employee performing official duties;
- a multiple listing service owned by a non-profit organization or association of real estate brokers; or
- a non-profit referral system or real estate broker organization for referring prospects for real estate sale or listing.

Sections amended 1975.

[Guam Code Ann. tit. 21, §§ 104102, 104105 \(2019\)](#)

Guam, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A broker's license applicant must have satisfactorily completed an approved real estate course of at least 30 classroom hours (or its equivalent) of instruction at a certified real estate school.

Guam's education requirements differ for a person who has not held an original salesman's license for at least two years before the application date and been actively engaged in the business of a real estate salesman during that time. In that case, the Commission may not issue a broker's license unless:

- the applicant has at least the equivalent of two years' general real estate experience;

- the applicant has satisfactorily (a) completed an approved real estate course of at least 90 classroom hours, conducted by an accredited college or university or equivalent instruction at a certified real estate school, or (b) graduated from an accredited college or university with "a degree in real estate, business, accounting, finance or any related field";
- the applicant files a written petition that sets forth his or her qualifications and experience; and
- the Commissioner approves the petition.

If the above requirements are met, the Commission may issue the applicant a broker's license immediately upon passing the appropriate examination and satisfying the other statutory requirements.

See "Continuing Education Requirements" for additional educational requirements that apply to original broker's license holders.

Service in "lower" category

Generally, a broker's license applicant must have held an original salesman's license for at least two years before the application date and must have been actively engaged in the business of a real estate salesman during that time.

Waiver of qualifications for some professionals

The Commissioner may waive the examination of a broker's license applicant who held an unrevoked or unsuspended renewal broker's license, within the one-year period immediately preceding the application date, "as individual broker, an officer of a corporation or a member of a copartnership."

Annual fees and filings

All original real estate licenses are for a two-year period and the holder is not eligible for a renewal real estate license until he or she has successfully completed the additional continuing education requirements set forth in § 104209. (See "Continuing Education Requirements" for a description of those requirements.) A renewal real estate license is issued for a four-year period.

A renewal license holder who fails to renew before the expiration date but who has otherwise

qualified for the license, may renew within two years from the expiration date upon proper application and payment of a late renewal fee equal to one and one-half times the regular renewal fee. The renewal real estate broker's license fee is \$400 for the four-year period.

See §§ 10414–104426 for additional fees that apply in certain circumstances.

Applicant investigation

A broker's license application must be accompanied by the recommendations of "two real estate owners on Guam, certifying that the applicant is honest, truthful and of good reputation, and recommending that a real estate broker's license be granted to him."

Also, the Commissioner may "require such other proof as the Commissioner may deem advisable concerning the honesty, truthfulness and good reputation" of any applicant.

Examinations

The Commissioner must determine by written examination that the applicant has:

- appropriate knowledge of English;
- a fair understanding of "the rudimentary principles of real estate conveyancing, the general purposes and general legal effects of deeds, mortgages, land contracts of sale and leases, and of the elementary principles of land economics and appraisals";
- a "general and fair understanding" of the obligations between principals and agents, real estate practice principles, the canons of business ethics pertaining to a real estate practice and Guam's real estate laws; and
- has satisfactorily completed an approved real estate course of at least 30 classroom hours, or its equivalent, of instruction at a certified real estate school.

As a condition reinstating a revoked or suspended license, the Commissioner may require the applicant to take and pass a qualifying examination.

Other prerequisites

A broker's license application must be:

- made in writing;
- accompanied by the original real estate broker's license fee; and
- include the recommendations of two Guam real estate owners.

The Commissioner may not grant an original real estate broker's license to a person who is not a United States citizen.

An applicant who desires to have the license issued under a fictitious name must file with his application a certified copy of the "entry of the Director made pursuant to" Guam's fictitious names statutes.

The Commissioner may suspend, revoke or deny the issuance of a license to an applicant, who, among other things has:

- procured, or attempted to procure, a real estate license by "fraud, misrepresentation or deceit," or by making a material misstatement of fact; or
- entered a plea of guilty or nolo contendere, or been found guilty of a felony or a crime involving "moral turpitude," and the time of appeal has elapsed or the conviction has been affirmed on appeal.

The original real estate broker's license fee is \$200, which is payable at the time of application. If the applicant fails the required written examination, he or she may take another examination upon payment of an additional \$10 fee. If an applicant fails to qualify for an original real estate broker's license within three years from the application's filing date, the application lapses.

Corporate licensees

If a real estate license is issued to a corporation and it desires any of its officers other than the designated officer to act under its license as a real estate broker, it must obtain an additional license to employ each of the additional officers. Similarly, if a real estate license is granted to a copartnership and it desires any of its members other than the ones through whom it is already licensed to act as a real estate broker, it must obtain an additional license to employ each of the additional members.

If a broker's license applicant maintains more than one place of business within Guam, he must obtain an additional license for each branch office.

If the licensee is a corporation, its license entitles one officer to engage in the real estate broker business, provided the officer is designated in the license application. For each additional officer through whom the corporation engages broker business, the corporation must pay the appropriate original or renewal fee in addition to the corporation's fee. If a licensee is a copartnership, its license entitles one member to engage on its behalf in the real estate broker business, which member must be designated in the license application. For each other member who engages on the copartnership's behalf in the broker business, it must pay the appropriate original or renewal fee in addition to the partnership's fee.

ASSOCIATE BROKER QUALIFICATIONS

No specifically relevant provisions were located. See "BROKER QUALIFICATIONS" above.

SALESPERSON QUALIFICATIONS

Education

An applicant must have satisfactorily completed an approved real estate course of at least 30 classroom hours, or its equivalent, of instruction at a certified real estate school.

See "Continuing Education Requirements" for additional educational requirements that apply to original salesperson's license holders.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

The Commissioner may waive the examination of a salesperson's license applicant who held an unrevoked or unsuspended renewal real estate salesman's license, within the one-year period immediately preceding the renewal-license application date.

Annual fees and filings

All original real estate licenses are for a two-year period, and the holder is not eligible for a renewal real estate license until he or she has successfully completed the additional continuing education requirements set forth in § 104209. (See "Continuing Education Requirements" for a description of those requirements.) A renewal real estate license is issued for a four-year period.

The salesperson renewal license fee is \$200 for a four-year renewal period.

A renewal license holder who fails to renew before its expiration date but who has otherwise qualified for the license, may renew it within two years from its expiration upon proper application and payment of a late renewal fee equal to one and one-half times the regular renewal fee.

See §§ 10414–104426 for additional fees that apply in certain circumstances.

Applicant investigation

An application must include the recommendation of the broker who is to be the applicant's employer, "certifying that the applicant is honest, truthful and of good reputation." Also, the Commissioner may "require such other proof as the Commissioner may deem advisable concerning the honesty, truthfulness and good reputation" of any applicant.

Examinations

The Commissioner must determine by written examination that the applicant has:

- appropriate knowledge of English;
- a fair understanding of "the rudimentary principles of real estate conveyancing, the general purposes and general legal effects of deeds, mortgages, land contracts of sale and leases, and of the elementary principles of land economics and appraisals";
- a "general and fair understanding" of the obligations between principals and agents, real estate practice principles, the canons of business ethics pertaining to a real estate practice, and the Guam statutes relating to real estate; and
- has satisfactorily completed an approved real estate course of at least 30 classroom hours, or its equivalent, of instruction at a certified real estate school.

As a condition of reinstating a revoked or suspended license, the Commissioner may require the applicant to take and pass a qualifying examination.

Other prerequisites

A salesman's license applicant must:

- be made in writing;
- be signed by the applicant;
- be accompanied by the real estate salesman's license fee;
- include the required employing-broker's recommendation; and
- include evidence of satisfactory completion of an approved basic real estate fundamental course of at least 30 classroom hours, or its equivalent.

The original salesman's license fee is \$100, which is payable upon filing the application. If the applicant fails the required written examination, he or she may take another examination upon payment of an additional \$5 fee. If an applicant fails to qualify for an original real estate salesman's license within three years of the application's filing date, the application lapses.

SPECIALIST QUALIFICATIONS

Limited salesman's license

The Commissioner may issue a limited salesman's license to an applicant before completing its investigation into the applicant's honesty, truthfulness and good reputation if the applicant has demonstrated by written examination that he or she has:

- appropriate knowledge of the English language; and

- a "fair understanding of the obligations between principal and agent" and the Guam real estate laws.

A limited real estate salesman's license is issued for a period not to exceed 120 days, and it may not be renewed. A limited real estate salesman's license holder may not sign a contract on behalf of the broker with whom he is employed.

See §§ 104216–104220 for additional general provisions related to restricted licenses, which include a bond-filing requirement, permitted restrictions, and relevant fees.

Sections 104201, 104202, 104212–104217, 104219, 104221–104227, 104229, 104303, 104309, 104402, 104408, and 104414 enacted approximately 1972; § 104203 amended 2010; § 104204–104207 amended 1999; §§ 104410–104413 and 104416–104420 amended 2007.

[Guam Code Ann. tit. 21, §§ 104201–104207, 104212–104217, 104219, 104221–104223, 104227, 104229, 104303, 104309, 104402, 104408, 104410–104420 \(2019\)](#)

Hawaii

Hawaii, Continuing Education Approval

PROVIDER

General requirements

Continuing education providers must:

- certify that instructors have met the requirements set by the [Hawaii Real Estate Commission](#) ("Commission");
- ensure that instructors are competent and current in their knowledge of the course's subject matter; and
- ensure that the course is "based on current information, laws, and rules."

Continuing education courses must:

- improve a licensee's competency or professional standards and practice;
- be offered by a Commission-approved provider and either be (a) Commission-approved and delivered by an instructor certified by a Commission-approved provider; (b) a "national course delivered by an instructor certified by the National Association of Realtors or its affiliates"; (c) a "national course delivered by an instructor certified by the Building Owners and Managers Association, the Community Associations Institute," or any other Commission-approved national organization; or (d) "certified by the Association of Real Estate License Law Officials";
- allow students to "exceed minimal entry level competency" in the course's subject matter; and
- not require an examination.

Approval applications

An applicant must apply for registration as a continuing education provider on the form prescribed by the Commission and submit the requisite application fee. The application must include at least the following:

- the provider's legal name, telephone number, current mailing address, and administrative office address;
- the provider's form of ownership and the name, telephone number and current address of the provider's owner;

- if the provider's owner is not an individual, the names, titles and addresses of the entity's directors, officers, members, managers or partners and a "stamped filed copy" of entity's articles of incorporation or partnership agreement;
- the provider's administrator's name, address and telephone number;
- a statement that "all classroom facilities comply with the county building department, county fire department, and the State department of health requirements;
- a statement certifying that the provider has a student attendance policy, procedures for monitoring attendance and keeps records for at least four years;
- a statement certifying that the provider has a policy for refunds and issuing certificates of completion and a means by which the policy statement will be provided to a student before he or she registers for the course;
- a surety bond of at least \$2,000, except that no bond is required if the provider submits a statement certifying that no amounts will be collected from students before the class date; and

Exception: No bond is required to cover real estate students only enrolled in an independent study course delivered electronically or as approved by the Commission.

- any other additional information the Commission requires.

The nonrefundable application fee and bond posting is not required if the provider is a college or university accredited as an institution of higher learning.

An application for certification of a continuing education course must be:

- made on a form prescribed by the Commission;

- made for all courses except those developed by the Commission; and
- accompanied by a nonrefundable application fee.

Distance learning course approval

The Commission may authorize courses taught by "alternative delivery methods with interactive instructional techniques," which may include, but are not limited to,

- the opportunity for "immediate exchange with an instructor"; and
- "assessment and remediation through the assistance of computer, electronic, audio, or audiovisual interactive instruction designed to internally measure and evaluate whether students have mastered stated learning objectives."

The Commission may approve courses that are delivered live, by means of interactive television or by other means of interactive communication.

Advertising

Before offering a continuing education course, an individual or organization may solicit students, advertise, or take reservations when the course is:

- certified by the Commission;
- identified by a Commission-assigned course number; and
- sponsored by a registered continuing education provider.

A provider may not solicit students to register for any offering of a certified continuing education course without first notifying the Commission at least three days before the course offering date of its intention to solicit students. The notice must contain "at least the course offering date, time, location, fees and charges, and the instructor's name" and certify that the instructor meets the regulatory requirements.

All advertisements soliciting students must:

- be an "announcement type listing"; and
- at least include the provider's name and address, the place a student may obtain a catalogue or brochure, a brief course description, a statement that the student may use the course to satisfy continuing education requirements, and the number of approved course hours.

A continuing education provider must keep on file at its place of business all advertising materials, which are subject to the Commission's inspection and review.

A continuing education provider may not be advertised or represented as being "registered" with the Commission until the provider has received written notification of its registration.

All advertising materials and claims must be "free from misrepresentation and fraud." The Commission may require a provider to furnish proof of any of its advertising claims.

A provider is strictly responsible for the acts and promises of its agents who solicit students.

A provider may not:

- provide any information to the public or to a prospective student that is false, misleading or deceptive;
- use any name, other than its registered name, for advertising or publicity purposes;
- "advertise that it is 'recommended,' 'endorsed,' 'approved,' or 'accredited'" by the Commission, but the provider may indicate that it is "registered" with the Commission to conduct continuing education courses;

- advertise that it is endorsed by businesses, organizations, or individuals "engaged in the kind of work for which training is given until written evidence of this fact is filed with the commission";
- make or imply any guarantee of employment or income, unless the continuing education provider can, in fact, guarantee employment or income and does so in writing;
- advertise a course that has not been certified, unless the advertisement clearly states that it is a "proposed" or "tentative" offering, subject to certification; or
- collect from a prospective student tuition or advance deposits, unless the continuing education course is certified.

Student records

A real estate continuing education provider must maintain for at least four years records of:

- course offerings, including instructors' names and course offering dates and locations;
- student attendance and registration;
- student evaluations;
- course completions; and
- its instructors' and administrators' personal information and resumes.

Each student record must include at least the following:

- the student's "name, address, real estate license number, license status, continuing education course completion information including course and instructor names, course offering number and date, and whether the student completed the course, course completion certificate number, and amount of approved clock hours of continuing education credits earned"; and
- proof of actual course attendance, including a "verified sign-in and sign-out attendance sheet" or a student certification statement for courses offered by alternative delivery methods.

The record must also note the name, address and phone number of the individual who verified the student's attendance.

Within 10 days of the end of the course, the provider must submit to the Commission:

- a list of licensees who have completed the course, including their "issued course completion certificate numbers, course and instructor names, and course offering number and date," using a Commission-prescribed electronic method;
- if applicable, completed student instructor evaluations for each course; and
- any other information the Commission requests.

If more than 50 students attend a course, the provider must provide at least one additional individual, other than the instructor, to administer the course.

Certificates of completion

Within 10 days of the end of any continuing education course or the completion of a course offered by alternative delivery methods, the provider must issue to each student who completed the course a certificate of completion. The certificate's form must be as prescribed by the Commission, and the number of continuing education hours appearing on the certificate must be the number previously approved by the Commission, even if the class is for more than the previously approved number of hours.

A provider may not issue a licensee a certificate for substantially the same course already completed by the licensee. A course is "substantially similar" if 75 percent of the course content is repeated in another course offering.

Other submissions

A continuing education provider must register biennially with the Commission and pay a registration renewal fee by the prescribed deadline of every even-numbered year.

The Commission must biennially certify a continuing education course, and the provider must pay a biennial certification renewal fee by the deadline of every even-numbered year.

To renew a provider registration or course certification, each provider and course owner must:

- submit a new application;
- satisfy the initial registration or certification requirements;
- pay all required fees; and
- meet all other applicable requirements.

A provider must designate an individual to be its administrator. The administrator is responsible for:

- complying with the Commission's rules;
- providing required reports and information;
- informing the Commission in writing 10 business days before any changes;

- directing and supervising the faculty, staff and program;
- administering and maintaining student evaluations; and
- ensuring that instructors do not fall below minimum rating standards.

CONTENT

The Commission generally may set content requirements for continuing education courses, providers, and instructors, and specify a mandatory core course.

The Commission may approve and certify a continuing education course that satisfies all of the following:

- is a core or elective course designed to protect the general public in its real estate transactions, to enable the licensee to serve the consumer's objectives in a real estate transaction, or to enable a licensee to "develop and improve" his or her "competency and professionalism in a changing marketplace";
- qualifies as "either a consumer protection or professional standards and practice course";
- is for knowledge and abilities beyond the "professional entry" level;
- includes "clearly defined course objectives";
- specifies course objectives;
- is at least three clock hours;

- issues upon the completion a certificate of course completion;
- requires completion of the course within the licensing period;
- is offered by a registered provider;
- is delivered live or by other means of Commission-approved communication;
- has a detailed course outline; and
- meets any other conditions requested by the Commission.

The Commission may not certify a continuing education course (or part of a course) that:

- does not "directly relate to real estate law or real estate practice";
- is related to passing a prelicense exam;
- teaches "general office skills, such as word processing, basic internet skills, computer software or other technology, personal motivation, and time management;"
- includes sales or promotions of a product or service or other meetings held in conjunction with general real estate brokerage activity;
- is for meals or refreshments;

- is less than three hours long; and
- does not meet the definition of "continuing education."

MATERIALS

A certified course must have a course outline detailing:

- the sequence of topics;
- the time allotted to each topic; and
- the reading assignments.

INSTRUCTOR QUALIFICATIONS

Continuing education instructors must ensure that their courses are based on current information, laws, and rules.

A provider must:

- determine that each instructor "evidences an ability to teach and command knowledge of" a course's subject matter; and
- certify to the Commission that each instructor has met the Commission's requirements.

A continuing education instructor "evidences an ability to teach" if he or she has:

- a bachelor's degree or higher in education;
- a "current teaching designation" from a recognized organization;
- a "current teaching credential";
- a full-time appointment to the faculty of an accredited institution of higher education;
- three years of full-time teaching in any field;
- a certificate of completion from a Commission-approved special real estate instructor institute; or
- other experience or credentials approved by the Commission.

An instructor "evidences a command knowledge" of a course's subject matter if he or she has:

- a bachelor's degree or higher from an accredited institution of higher education with a major in a field directly related to the course's subject matter;
- a bachelor's degree or higher from an accredited institution of higher education and five years' real estate experience directly related to the course's subject matter;
- practiced as a licensed attorney for at least three years in an area directly related to the course's subject matter;
- served an appointment to the real estate or any other faculty of an accredited institution in an area directly related to the course's subject matter;

- a "documented combination" of (a) three years' experience directly related to the course's subject matter; (b) substantial participation in developing real estate curriculum or courses "at a knowledge and skill level beyond professional entry"; and (c) substantial participation in teaching real estate courses directly related to the course's subject matter at "a knowledge and skill level beyond professional entry"; or
- other experience or credentials the Commission may approve.

An individual may not be certified if he or she has been:

- disciplined for fraud, misrepresentation, or deceit in connection with a real estate transaction or other conduct substantially related to the real estate practice or profession;
- convicted of a crime that "substantially relates to the profession of teaching or to the practice or profession of real estate;" or
- determined to have scored below the Commission-established minimum requirements, which may include a standardized student evaluation rating

The Commission may require each instructor to complete an instructor's workshop prior to teaching in each biennium.

PRIOR APPROVAL REQUIREMENTS

Approval timing

Before offering a continuing education course, an individual or organization may solicit students, advertise or take reservations once the course is:

- certified by the Commission;

- identified by a Commission-assigned course number; and
- sponsored by a registered continuing education provider.

A provider may not solicit students to register for any offering of a certified continuing education course without first notifying the Commission at least 14 days before the course offering date of its intention to solicit students.

A course owner must submit an anticipated material change to a Commission-certified course for approval 30 days before making the changes.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

Continuing education courses may not require an examination.

Proctors

No relevant provisions were located.

Section 467-4.5 enacted 1999; regulatory sections recompiled or amended 2016.

[Haw. Rev. Stat. § 467-4.5 \(2018\); Haw. Code R. §§ 16-99-90, -94, -95, -98, -99, -100, -101, -102, -103, -104, -105, -111, -112, -113, -114, -117, -121 \(2019\)](#)

Hawaii, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

An individual real estate licensee who holds a current real estate license in another jurisdiction with "an equivalent real estate licensing law," as determined by the [Commission](#), may request "a determination of equivalency for the elective course hours of the continuing education

requirement." The equivalency must be based on the successful completion of the other jurisdiction's continuing education requirements before submitting a renewal application. Approval of the equivalency is subject to the licensee completing the Core Course. Regulation 16-99-89 describes specific factors that may guide the Commission in making an equivalency determination.

An instructor who is a real estate licensee, may use once in any two consecutive biennium, the clock hours for each course taught except the core course which may be recognized for clock hours each biennium. The one-time use applies even if the instructor has taught the course more than once.

Upon application and for good cause, the Commission may extend the time for completing continuing education hours.

Required hours

Before renewing his or her license, a licensee must provide the Commission with proof of having attended 20 hours of continuing education or its equivalent, as determined by the Commission, during the two-year period preceding the renewal application. The 20 hours must include a mandatory core course, if specified by the Commission.

Before requesting activation of an inactive status individual license, an applicant who has been inactive for one or more renewal periods, must first satisfy the prescribed continuing education hours for one prior renewal period. The Commission must credit the applicant with continuing education hours for any certified core or elective courses completed during the immediate prior renewal period. If the Commission deems it to be appropriate, the inactive licensee may, in the alternative, retake the applicable prelicense examination.

Continuing education clock hours obtained in excess of 20 hours generally cannot be carried forward to satisfy the continuing education requirements of a subsequent license renewal period.

Except as otherwise provided by the Commission or by law, a licensee may not take a continuing education course for which the licensee has already received a certificate within two consecutive biennia.

Minimum class length

An approved and certified continuing education course must consist of at least three clock hours.

Subjects

The Commission generally may set content requirements for continuing education courses, providers and instructors, and specify a mandatory core course.

The Commission may approve and certify a continuing education course that satisfies all of the following:

- is a core or elective course that is designed to protect the general public in its real estate transactions, to enable the licensee to serve the consumer's objectives in a real estate transaction, or to enable a licensee to "develop and improve" his or her "competency and professionalism in a changing marketplace";
- qualifies as "either a consumer protection or professional standards and practice course";
- is for knowledge and abilities beyond the "professional entry" level;
- includes "major course concepts";
- specifies course objectives;
- is at least three clock hours;
- issues upon the completion a certificate of course completion;
- requires completion of the course within the licensing period;
- is offered by a registered provider;
- is delivered live, by interactive television or by other approved "means of interactive communication";
- has a detailed course outline; and
- meets any other conditions requested by the Commission.

The Commission may not certify a continuing education course (or part of a course) that:

- does not "directly relate to real estate law or real estate practice";
- is related to passing a prelicense exam;
- teaches office and business skills;
- includes sales promotions or other meetings related to general real estate brokerage activity;
- is for meals or refreshments;
- is less than three hours long; and
- does not meet the definition of "continuing education."

Attendance requirements

No specifically applicable provisions were located. However, before renewing his or her license, a licensee must provide the Commission with proof of having attended 20 hours of continuing education or its equivalent, as determined by the Commission, during the two-year period preceding the renewal application.

Online classes

The Commission may authorize courses taught by "alternative delivery methods with interactive instructional techniques," which may include, but are not limited to,

- the opportunity for "immediate exchange with an instructor"; and
- "assessment and remediation through the assistance of computer, electronic, audio, or audiovisual interactive instruction designed to internally measure and evaluate whether students have mastered stated learning objectives."

Other requirements

To renew a license, a licensee must provide the Commission with proof of having attended the 20 required hours of continuing education or its equivalent (as determined by the Commission) during the two-year period preceding the renewal application. A licensee who is issued a Hawaii real estate salesperson license during an even-numbered year is deemed to have completed equivalent to the required continuing education hours. Failure to satisfy the continuing education requirement results in the renewed license being automatically placed on "inactive" status.

A licensee must submit a biennial renewal fee and completed renewal application on or before the license-expiration deadline. Licenses expire on December 31 of even-numbered years. Failure to pay the renewal fee and to submit a completed renewal application constitutes forfeiture of the license as of January 1 of the subsequent odd-numbered year. A forfeited license may be restored upon:

- approval of a completed application;
- payment of the delinquent and penalty fees;
- satisfaction of the other specified applicable requirements; and
- for a license forfeited for more than one, but less than four, years, successfully completing the Commission-approved course or passing the Commission-approved examination, or for a license forfeited for more than four years, successfully passing the Commission-approved examination.

A licensee must renew an inactive license by paying the biennial renewal fee and submitting a completed renewal application. A licensee may reactivate the license by:

- satisfying the continuing education requirements set forth in § 467-11.5;
- filing an application;
- providing any information required by the Commission; and
- paying the proper fee.

The license of an individual is terminated if the licensee does not apply for reinstatement of the license with five years of forfeiture.

If the education fund balance at the end of any fiscal biennium exceeds \$1,200,000, the Commission must place a moratorium on those renewal contributions and consider a reduction in the fee amount. If the balance remaining in the real estate recovery fund is less than \$350,000, the department must assess every licensee an additional payment.

A licensee must notify the Commission, within 10 days of the change and on a form provided by the Commission, of any changes identified in § 16-99-5.

BROKER-SALESPERSON REQUIREMENTS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON OR AGENT REQUIREMENTS

All real estate licensees are generally required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.) However, a licensee who is issued a Hawaii real estate salesperson license during an even-numbered year is deemed to have completed equivalent to the twenty hours of continuing education.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section 467-17 amended 1988; §§ 467-11 and 4467-11.5 amended 2010; regulations, recompiled or amended 2016.

[Haw. Rev. Stat. §§ 467-11, -11.5, -17 \(2018\); Haw. Code R. §§ 16-99-5, -7, -89, -90, -91, -93, -95, -96, -97, -100, -101 \(2019\)](#)

Hawaii, Licensing Categories

BROKER

A "real estate broker" is a person who, for compensation or valuable consideration,

- "sells or offers to sell, buys or offers to buy, or negotiates" a real estate purchase, sale or exchange;
- lists, solicits for prospective purchasers, leases, offers to lease, rents, offers to rent, manages or offers to manage real estate or its improvements for others, as a vocation; or
- "secures, receives, takes, or accepts, and sells or offers to sell, any option on real estate without the exercise by the person of the option and for the purpose or as a means of evading" the state's licensing requirements.

BROKER-SALESPERSON

A "broker-salesperson" is an "individual broker licensee who associates that individual's own license with a brokerage firm as an employee or independent contractor."

SALESPERSON

A "real estate salesperson" is an individual who, for compensation or valuable consideration, is employed by a broker, or is an independent contractor in association with a broker, who:

- sells, offers to sell, buys, offers to buy, lists, solicits for prospective purchasers, leases, offers to lease, rents, offers to rent, manages, or offers to manage, any real estate or real estate improvements, for others as a vocation; or
- "secures, receives, takes, or accepts, and sells or offers to sell, any option on real estate without the exercise by the individual of the option and for the purpose or as a means of evading" the state's licensing requirements.

A real estate salesperson must be under a real estate broker's direction for all real estate transactions.

SPECIALIST CATEGORIES

Condominium hotel operators

A "condominium hotel" includes "those apartments in a project as defined in section 514B-3 and subject to chapter 514B, which are used to provide transient lodging for periods of less than thirty days."

Sections 467-1 and 467-30 amended 2017; regulation amended 2016.

[Haw. Rev. Stat. §§ 467-1, -30 \(2018\); Haw. Code R. § 16-99-2 \(2019\)](#)

Hawaii, Licensing Exemptions

Hawaii's real estate licensing laws do not apply to the following:

- an individual who, as a real estate owner or acting under a power of attorney from the owner, performs a real estate act, except that "owner," as used in this context, does not include an individual engaged in the real estate development or brokerage business or include an individual who acquires a real estate interest to evade the state's licensing requirements, and the term individual "acting under power of attorney," as used in this context, does not include an individual engaged in the real estate development or brokerage business or an individual who acts under a power of attorney to evade the state's licensing requirements;

- a receiver, bankruptcy trustee, personal representative or trustee acting under a trust agreement, deed of trust or will, or otherwise acting under a court order;
- an individual who "leases, offers to lease, rents, or offers to rent, any real estate or the improvements thereon of which the individual is the custodian or caretaker";
- a person who manages, rents or operates a hotel; or
- a "provider agency owning, leasing, operating, or managing a homeless facility."

Section amended 2010.

[Haw. Rev. Stat. § 467-2 \(2018\)](#)

Hawaii, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

To be eligible for the broker's licensing examination, an applicant, among other things, must have satisfactorily completed a Commission-approved prelicensing course for real estate broker candidates or its equivalent (as determined by the [Commission](#)).

An applicant may satisfy the education requirement for the broker license examination by successfully completing a curriculum in real estate at an accredited institution. The curriculum must consist of at least 80 class hours and conform to the approved curriculum for brokers adopted by the Commission or be an "equivalent education or experience," as determined by the Commission. In this context, a "class hour" means 60 minutes of classroom instruction.

Service in "lower" category

To be eligible for the broker's licensing examination, an applicant must:

- hold a current and "unencumbered" Hawaii real estate salesperson license or a salesperson or broker license in another jurisdiction recognized by the Association of Real Estate License Law Officials, with an equivalent real estate licensing law (as determined by the Commission); and
- have experience in Hawaii as a full-time Hawaii-licensed real estate salesperson, associated as an employee or independent contractor with an active Hawaii-licensed brokerage firm, for at least three years within the five-year period immediately prior to the application for experience certificate.

The candidate must obtain the Commission's approval of the candidate's experience certification application before the examination date.

In this context, "full-time" means averaging at least 40 hours per week to "real estate salesperson activity." The Commission does not give pro rata credit for part-time work.

If the applicant has satisfied the three-year experience requirement, the Commission will issue the applicant an experience certificate that is valid for two years from its issuance date. The applicant must bring the experience certificate to his or her examination and must submit it with the applicant's application for an individual broker license.

Waiver of qualifications for some professionals

The Commission may enter into a license recognition agreement with another state or a jurisdiction recognized by the Association of Real Estate License Law Officials, with an equivalent real estate licensing law (as determined by the Commission). The Commission may grant an equivalency to the respective education requirements for applicants for the broker license examinations for:

- those who hold a current license that was active within one year immediately prior to the date of application as a broker in another state with similar or superior education requirements as determined by the Commission; and
- graduates of an accredited law school in the United States.

A candidate may request a "determination of equivalency" for the experience requirement based on

real estate salesperson license experience or a current broker's license in another jurisdiction with an equivalent real estate licensing law (as determined by the Commission). However, the maximum equivalency is two years for out-of-state experience as a full-time licensed salesperson, and two and one-half years for out-of-state experience as a full-time licensed broker. The equivalency amount is computed using a 1-1 ratio.

The Commission may grant an equivalency for an applicant's education requirements to:

- those who hold a current license that was active within one year immediately before the application date in another state with "similar or superior education requirements"; and
- graduates from an accredited United States law school.

An applicant who is requesting equivalency to the educational requirements must be submitted in writing, together with all supporting documents, to the Commission for review before the applicant applies for the examination. An approved education equivalency is valid for two years from the date of issuance.

The Commission may prescribe the passage of a specific section or sections of the examination for different purposes, such as an out-of-state licensee requesting an equivalency to the uniform part of the state prelicensing examination may be only for that part of the exam.

Annual fees and filings

To renew a license, a licensee must provide the commission with proof of having attended the 10 required hours of continuing education or its equivalent (as determined by the Commission) during the two-year period preceding the renewal application. Failure to satisfy the continuing education requirement results in the renewed license being automatically placed on "inactive" status.

A licensee must submit a biennial renewal fee and completed renewal application on or before the license-expiration deadline. Licenses expire on December 31 of each even-numbered year. Failure to pay the renewal fee and to submit a completed renewal application constitutes forfeiture of the license as of January 1 of the subsequent odd-numbered year. A forfeited license may be restored upon:

- approval of a completed application;
- payment of the delinquent and penalty fees;

- satisfaction of the other specified applicable requirements; and
- for a license forfeited for more than one, but less than four, years, successfully completing the Commission-approved course or passing the Commission-approved examination, or for a license forfeited for more than four years, successfully passing the Commission-approved examination. Effective April 1, 2010, reinstatement is not allowed if five or more years have elapsed since forfeiture, and the licensee must apply for a new license.

A licensee must renew an inactive license by paying the biennial renewal fee and submitting a completed renewal application. A licensee may reactivate the license by:

- satisfying the continuing education requirements set forth in § 467-11.5;
- filing an application;
- providing any information required by the Commission; and
- paying the proper fee.

If the education fund balance at the end of any fiscal biennium exceeds \$1,200,000, the Commission must place a moratorium on those renewal contributions and consider a reduction in the fee amount. If the balance remaining in the real estate recovery fund is less than \$350,000, the department must assess every licensee an additional payment.

A licensee must notify the Commission, within 10 days of the change and on a form provided by the Commission, of any changes identified in § 16-99-5.

Applicant investigation

No specifically applicable provisions were located. However, the Commission may not issue a license to a person who does not "possess a reputation for or record of competency, honesty, truthfulness, financial integrity, and fair dealing."

The Commission must verify a broker's license applicant's:

- dates of employment or association with each brokerage firm; and
- dates of release from the firm's employment or association.

Examinations

A school may issue a certificate of completion only to a student who attends 80 percent of the scheduled classes and who passes the course's final examination or who completes an independent study course under regulation 16-99-52.1.

The examination must show that the individual has a reasonable knowledge of:

- real property estates, interests and rights;
- documents, acts or occurrences that transfer or affect property;
- an agent's rights and duties;
- Hawaii's laws relating to real estate brokers and salespersons; and
- other subjects the Commission "determines to be essential for the protection of the general public in its real estate transactions."

An examination application must include a certification statement that the applicant has fulfilled, or will fulfill by the examination date, the prerequisites for examination and be accompanied by an examination fee.

The minimum passing score for the uniform and the State portions of the examination is 75 for

broker's license applicants. An individual who fails to obtain a passing score in any part of the examination must repeat that part of the examination. If a candidate fails to obtain a passing score in all parts of the examination within two years of his or her first examination date, the candidate fails the examination as a whole and must repeat the entire examination.

An individual who passes a licensing examination must apply for an active or inactive license within two years of the individual's last examination date or the examination is deemed to be abandoned and the individual must pass the examination again.

Other prerequisites

To be eligible for the broker's licensing examination, an applicant must:

- be a United States citizen or national or an alien authorized to work in the United States;
- be the age of majority;
- effective July 1, 2020, hold a high school diploma or its equivalent;
- have satisfactorily completed a Commission-approved prelicensing course for real estate broker candidates, or its equivalent (as determined by the Commission); and
- have completed the applicable experience requirements.

An applicant must:

- meet the examination prerequisites set forth in § 467-9.5;
- pass the appropriate exam;

- have a "reputation for or record of competency, honesty, truthfulness, financial integrity, and fair dealing";
- for a real estate broker's license applicant, have a current Hawaii real estate salesperson's license; and
- file an application with the Commission and furnish any additional information bearing on the issuance of the license.

Corporate licenses

The Commission may not issue a license to:

- a partnership, unless its real estate brokerage business is under the "direct management" of a principal broker who is a general partner or employee of the partnership and holds an active broker's license;
- a corporation, unless its real estate brokerage business is under the "direct management" of a principal broker who is an officer or employee of the corporation and holds an active real estate broker's license;
- a person with a trade name, a partnership, a limited liability company or a corporation that is not currently registered with the commerce and consumer affairs department (a salesperson's license may not be approved or issued with a trade name); or
- a limited liability company, unless its real estate brokerage business is under the "direct management" of a principal broker who is a member of a member-managed or a manager of a manager-managed limited liability company and who holds an active broker's license.

Unless approved by the Commission, the Commission generally will not issue a broker's license to any trade, corporate or partnership name that contains the name, initials or nickname of an unlicensed person, a salesperson, or a broker whose license is not associated with or employed by that broker applicant. The license name of a corporation or other entity must be its legal name,

provided that name complies with § 467-9, and may include a trade name registered with the business registration division and the Commission.

An application for a branch office registration must include the required branch office registration fee.

BROKER-SALESPERSON QUALIFICATIONS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON OR AGENT QUALIFICATIONS

Education

An individual applying for the salesperson's license examination must have satisfactorily completed a Commission-approved prelicensing course for real estate salesperson candidates or its equivalent (as determined by the Commission). The curriculum must be in real estate at an accredited institution, consist of at least 60 class hours and conform to the approved curriculum adopted by the Commission "or such equivalent education or experience as shall be determined by the commission." A "class hour," as used in this context, means 60 minutes of classroom instruction.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

The Commission may enter into a license recognition agreement with another state or a jurisdiction recognized by the Association of Real Estate License Law Officials, with an equivalent real estate licensing law (as determined by the Commission).

The Commission may grant an equivalency to for an applicant's education requirements for an applicant who:

- holds a current license that was active within one year immediately before the application date in another state with "similar or superior education requirements";
- has graduated from an accredited law school in the United States; and

- has a bachelor of arts or bachelor of science degree from an accredited college or university in the United States and has majored in real estate or business;

An applicant who is requesting equivalency to the educational requirements must submit the request in writing, together with all supporting documents, to the Commission for review before the applicant applies for the examination. An approved education equivalency is valid for two years from the date of issuance.

The Commission may prescribe the passage of a specific section or sections of the examination for different purposes, such as an out-of-state licensee requesting an equivalency to the uniform part of the state prelicensing examination may be only for that part of the exam.

Annual fees and filings

All real estate licensees are subject to the same annual fee and filing requirements. (See "BROKER REQUIREMENTS" above.)

Applicant investigation

No specifically applicable provisions were located. However, the Commission may not issue a license to a person who does not "possess a reputation for or record of competency, honesty, truthfulness, financial integrity, and fair dealing."

Examinations

All real estate licensees are subject to the same examination requirements (see "BROKER REQUIREMENTS" above), except the minimum passing score for the uniform and the state portions of the examination is 70 for salesperson's license applicants.

Other prerequisites

An applicant must:

- meet the examination prerequisites set forth in § 467-9.5;
- pass the appropriate exam;

- have a "reputation for or record of competency, honesty, truthfulness, financial integrity, and fair dealing"; and
- file an application with the Commission and furnish any additional information bearing on the issuance of the license.

SPECIALIST QUALIFICATIONS

Condominium hotel operators

Note: Only persons who do *not* hold a real estate license, either salesperson or broker, may register as a condominium hotel operator. Where an entity includes the following persons holding a real estate salesperson or broker's license, that entity may *not* register as a condominium hotel operator:

- general partner or employee of a partnership condominium hotel operator;
- officer or employee of a corporation condominium hotel operator;
- member of a member-managed limited liability company condominium hotel operator; or
- principal having direct management and responsibility over condominium hotel operations, including performing or facilitating the delivery of customary hotel services.

Education

No specifically relevant provisions were located.

Service in "lower" category

No specifically relevant provisions were located.

Waiver of qualifications for some professionals

No specifically relevant provisions were located.

Annual fees and filings

A condominium hotel operator must pay an application fee and an initial registration or re-registration fee. The registration and re-registration expire on December 31 of each even-numbered year.

Applicant investigation

No specifically relevant provisions were located.

Examinations

No specifically relevant provisions were located.

Other prerequisites

A condominium hotel operator must register with the Commission "as a sole proprietor, partnership, limited liability company, or corporation" and must:

- submit a completed application form containing the requested information, receive Commission approval before conducting condominium hotel activity, and re-register on or before the deadline;
- obtain and keep current a fidelity bond; and
- pay an application fee and an initial registration or a re-registration fee as provided by regulation.

The fidelity bond is not required of an individual owner providing apartments or units for transient lodging; provided that ownership of the apartment or unit is in the individual owner's name and not in an entity's name; and provided the owner has no employees.

The registered condominium hotel operator:

- may not provide or offer lodgings for 30 days or longer;
- may not "be licensed as a real estate broker or a real estate salesperson";
- may not conduct any other activities contained in the definition of "real estate broker";
- must appoint an employee or principal to "have direct management and responsibility" over the condominium hotel operations; and
- must provide evidence of written notification to all "representing apartment owners" of the relevant law including the nonapplicability of the real estate recovery fund.

See regulations 16-99-147 and 16-99-148 for details regarding registration and the fidelity bond, respectively.

Section 467-17 amended 1988; § 467-9 amended 1997; §§ 467-8 and 467-9.6 amended 1999; § 467-9.5 amended 2019; § 467-7.5 enacted 2004; § 467-30 amended 2017; § 467-11 amended 2010; all regulations recompiled, amended or adopted 2016.

[Haw. Rev. Stat. §§ 467-7.5, -8, -9, -9.5](#) (as amended by [2019 Haw. Act 246 \(S.B. 770\)](#)), [-9.6, -11, -17, -30 \(2018\)](#); [Haw. Code Reg. §§ 16-99-5, -19, -19.1, -19.2, -29, -30, -36, -37, -61, -147, -147.2 -148 \(2019\)](#)

Idaho

Idaho, Continuing Education Approval

PROVIDER

General requirements

Unless otherwise provided, the [Idaho Real Estate Commission](#) ("Commission") must certify the following before a course may be credited toward Idaho prelicense or continuing education requirements:

- the course provider;
- an instructor teaching any course other than a continuing education elective course; and
- course content.

The Commission may monitor any course for the purpose of course, instructor or provider certification.

Accredited colleges and universities are deemed approved course providers in Idaho. However, the provider must still obtain approval for the course content before the course may qualify for prelicense or continuing education credit.

Approval applications

All course providers, other than accredited colleges and universities, must meet the following requirements to receive certification:

- file a certification application form, along with the proper fees, at least two months before the contemplated date of its opening or its first accredited course offering;
- designate a "director" or "individual in charge," who, unless waived, must not have had a real estate or other professional or occupational license suspended or revoked for disciplinary reasons, been refused a license renewal, or been convicted or otherwise penalized for any felony or misdemeanor involving fraud, misrepresentation, or dishonest or dishonorable dealing and must have completed Commission-approved provider training within the two years immediately preceding the designation;
- file a properly executed "irrevocable consent to service of process";

- pay an application fee of not more than \$75 for initial certification.

The Commission may conduct any additional investigation of a provider certification applicant that it deems advisable.

A provider must submit course and instructor schedules, as requested by the Commission, and promptly submit any changes, including a change in curriculum, course length or instructor.

Distance learning course approval

A "distance learning course" means a real estate course that is delivered through a medium in which the instructor and student are separated by both distance and time.

The Association of Real Estate License Law Officials (ARELLO) or another institution with equivalent certification standards must certify the design and delivery of each distance learning course. The credit hours for a certified distance learning course must be based on the same number of hours that would be credited for "an equivalent live course," and must include a Commission-approved assessment.

Advertising

Providers may advertise that they are currently certified by the Commission, if the Commission has approved its current certification. However, no advertising may state or imply that the provider is an agency of the Commission. A course provider may not provide misleading information to the public or to prospective students.

Student records

A certified course provider must create and maintain for each student a "complete, accurate and detailed record" that must include the total number of hours of instruction taken and satisfactorily or unsatisfactorily completed in the area of study. Within five working days after concluding each course, the provider must submit to the Commission a list in the form required by the Commission that includes the following:

- the names, addresses, social security numbers or, if licensed, the license numbers, of the students completing the course;

- the course's name;
- the instructor's name;
- the number of hours included in the course; and
- the course date and location.

Credit hours may be submitted only for students who have met the course attendance requirements.

The instructor and an authorized representative of the provider must certify the list.

Certificates of completion

Within 30 days, the course provider must give written notification to students who successfully or unsuccessfully complete a course. A renewal applicant must include with his or her application a certification that the applicant has met the Commission's continuing education requirements.

Other submissions

See § 54-2027 for additional duties required of all certified course providers, including, among others, the duty to have open access to course offerings, to disclose fees and to provide adequate facilities.

Each course provider's certification has a one-year term, expiring annually on June 30. In order to maintain certification, a provider must return a properly completed renewal application and all required attachments and renewal fees to the Commission before the expiration date and certify its designated director or person in charge has within the past two years attended Commission-approved provider training. The fee for recertification is \$50, or a lesser amount set by the Real Estate Commission. Failure to obtain approved renewal of a certification before its expiration date will result in no credit being given for courses not completed by the expiration date.

CONTENT

The Commission must certify and accredit every real estate course before it is offered for prelicense or continuing education credit. An applicant must submit a course certification application form, with the required fees, at least two months before the date of the first course offering.

To obtain course certification, each course must be:

- certified individually;
- offered only through a certified and approved provider; and
- taught by a certified and approved instructor.

Each continuing education course must contain at least two classroom hours. Exam time is not included as approved classroom hours. A classroom hour is "a period of at least fifty (50) minutes of actual instruction."

A course certification has a two-year term, with its exact expiration date shown on the course certificate. In order to maintain certification, a course provider, must, for each course, return to the Commission a properly completed renewal application form, along with all necessary attachments and renewal fees before its expiration date and within sufficient time for Commission review and approval. If the certification expires before the course's conclusion, no credit will be given for a course.

An extensive list of topics approved for continuing education credit is set forth in regulation 33.01.01.402.

The following activities are not eligible for approval for continuing education credit:

- courses that are "specifically exam preparation in nature";
- courses "held in conjunction with a brokerage firm's sales promotion or sales meetings"; or
- courses by trade organizations for "licensee's orientation."

A course must be taught in accordance with the course outline or curriculum approved by the Real Estate Commission.

The application fee for initial course certification is \$50, or a lesser amount set by the Real Estate Commission. The fee for recertification is no more than \$25.

MATERIALS

No specifically applicable provisions were located.

However, upon the conclusion of each course, the provider must collect written student evaluations of the course and the instructor, using a Commission-approved evaluation form. The provider must submit either the student evaluations for the course and the instructor or a written summary of the evaluations.

INSTRUCTOR QUALIFICATIONS

Unless otherwise provided, instructors teaching any course other than a continuing education elective course must be certified to teach that course. The Commission may monitor any course for the purpose of instructor certification.

A certified provider may offer a continuing education elective course without obtaining approval or certification for the instructor, but the provider must "take reasonable steps to ensure that the instructor is competent to teach the course," and must make the documentation available to the public and the Commission upon written request.

Individuals wishing to teach prelicense or postlicense courses for credit, or the Commission's continuing education core course requirements must first be approved or certified by the Commission for each course. A qualified or full-time instructor or professor at an accredited college or university who teaches real estate -related courses is deemed to be approved. All other individuals wishing to be approved and receive certification must first meet the following qualifications:

- unless waived, the instructor may not have "had a real estate or other professional or occupational license suspended or revoked for disciplinary reasons"; been refused a license renewal; been "convicted, issued any fine, placed on probation, received a withheld judgment, or completed any sentence of confinement for or on account of any felony, or any misdemeanor involving fraud, misrepresentation, or dishonest or dishonorable dealing;
- submit a completed instructor-certification application with all required fees;
- file an irrevocable consent to service of process, as provided by § 54-2012(1)(j);

- qualify as at least one of the following: (1) an actively licensed attorney-at-law with at least five years' active practice in the proposed areas of study who has also successfully completed a commission-approved instructor training course that includes an assistant-teaching period; (2) a person who is approved or certified and in good standing as a real estate instructor for the same or similar material in another state; (3) an individual appointed to teach a nationally recognized real estate course that is "generally accepted" in other states; or (4) an individual with at least five years' active real estate-related experience who has successfully completed a Commission-approved instructor training procedure that includes an assistant-teaching period; and
- pay a fee not to exceed \$50 for initial certification.

The Commission may make additional investigations and inquiries related to the applicant as it deems advisable, and may modify the requirements for instructor certification, including reducing or increasing the requirements.

An instructor certification has a one-year term, expiring annually on June 30.

To be recertified, an instructor must:

- return to the Commission a properly completed recertification application form, along with all necessary attachments and fees, before the certificate's expiration date; and
- demonstrate the ability to adequately teach the course;
- have attended a Commission-sponsored instructor development seminar or received other acceptable adult teaching-method training during the preceding two years; and
- pay a fee of not more than \$25.

Students will receive no credit for any course taught by an instructor whose certification has expired before the course's conclusion.

Instructors must comply with minimum teaching standards established by the Real Estate Commission. Instructors must conduct classes in a manner that demonstrates competency in the following basic teaching skills:

- the ability to effectively communicate through speech;
- the ability to present instruction in an accurate, logical, orderly and understandable manner and to respond appropriately to questions from students;
- the ability to use varied instructional techniques in addition to lecture;
- the ability to use instructional aids and modern technology in a manner that enhances learning;
- the ability to maintain an appropriate learning environment and effective control of a class; and
- the ability to interact with adult students in a manner that encourages students to learn, that avoids offending the sensibilities of students, and that avoids personal criticism of any other person, including fellow peer instructors, any agency or any organization.

PRIOR APPROVAL REQUIREMENTS

Approval timing

Each applicant seeking certification:

- as a course provider, must apply at least two months before its contemplated date of opening or offering the first accredited course, and must submit any changes for approval at least one month before their effective date;

- for a course, must apply at least two months before the first course offering date; and
- as an instructor wishing to teach prelicense courses or the Commission's continuing education core course requirements, must receive certification before teaching the course.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

A certified distance learning course must include a Commission-approved final exam.

Proctors

No relevant provisions were located.

Section 54-2037 enacted 2000; § 54-2025 amended 2014; §§ 54-2027, -2028, -2032, -2035, -2036 amended 2015; § 54-2034 amended 2006; §§ 54-2004, -2020 amended 2017; § 54-2026 amended 2014; regulation 33.01.01.500 adopted 2008; r. 33.01.01.402 amended 2014.

[Idaho Code Ann. §§ 54-2004, -2020, -2025, -2026, -2027, -2028, -2032, -2033, -2034, -2035, -2036, -2037 \(2019\); Idaho Admin. Code r. 33.01.01.402, .500 \(2019\)](#)

Idaho, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

"Upon receiving written notification that a renewing real estate licensee or certified real estate instructor has been called to active military duty, and the licensing/certification period would otherwise expire during the period of such active duty, the Licensing Department will cause the license or certification to be renewed, in the type and status currently held, without the requirement to pay a license or certification renewal fee, complete continuing education or instructor development training, or file a renewal application." [Idaho Real Estate Comm'n, Licensing/Certification Fee Exemption for Military Persons \(July 18, 2018\)](#)

Required hours

Each licensee applying to renew an active Idaho broker or salesperson license or to change from inactive to active license status after having renewed the license on inactive status must successfully complete two Commission core courses, plus 12 classroom hours of continuing education credit. If the initial inactive license is within the initial licensing period, no continuing education is required to change to active status.

In order to activate as a designated broker or branch manager, a broker on inactive status must, in addition to satisfying the above continuing education requirements, have completed a Commission-approved business conduct and office operations course within three years immediately prior to the license activation.

A core course covers the 12-month period between July 1 and June 30 and contains curriculum identified by the Commission that stresses that year's trends in real estate practice and changes in laws in real estate-related industries. A core course may contain no more than four hours of classroom instruction.

A licensee may not obtain continuing education credit for completing:

- a core course curriculum for which he or she has previously received continuing education credit; or
- a course curriculum for which he or she has received continuing education credit during the same license period.

Continuing education hours used to reactivate a license are considered "spent," and may not be used towards the requirements for a subsequent renewal.

Classroom hours apply to the license period in which the course is completed, and excess hours do not accumulate and may not be credited to subsequent license renewal periods. A licensee may not obtain continuing education credit for education ordered as part of a disciplinary action.

See "Other requirements" for additional requirements that a licensee must meet in order to obtain continuing education classroom hours.

Minimum class length

Each continuing education course must contain at least two classroom hours. Exam time may not be included as approved classroom hours. A classroom hour is "a period of at least fifty (50) minutes of actual instruction."

Subjects

Each licensee applying to renew an active Idaho real estate license must successfully complete a Commission core course, plus 16 classroom hours of continuing education. An extensive list of topics approved for continuing education credit is set forth in r. 33.01.01.402.

The following activities are not eligible for approval for continuing education credit:

- courses that are "specifically exam preparation in nature";
- courses "held in conjunction with a brokerage firm's sales promotion or sales meetings"; or
- courses by trade organizations for "licensee's orientation."

The Commission may, upon written request, approve any other topic that directly relates to real estate brokerage practice "and that directly contributes to the accomplishment of the primary purpose of continuing education."

Attendance requirements

A licensee may "receive continuing education course credit without having to take or pass an exam if the licensee personally attends the entire live presentation of an approved course."

Online classes

The National Association of Real Estate License Law or another institution with equivalent certification standards must certify the design and delivery of each distance learning course. The credit hours for a certified distance learning course must be based on the same number of hours that would be credited for "an equivalent live course," and must include a Commission-approved final exam.

Other requirements

In order to obtain continuing education classroom hours, a licensee must:

- "successfully complete a commission-approved continuing education course or post-license course";
- attend an entire regularly-scheduled meeting of the Commission from the time the meeting is called to order to the time the meeting is adjourned, or the licensee is excused by the chairperson, with a maximum of four hours credited for any one meeting during any one license period;
- successfully complete a Commission-approved broker prelicense course but a licensee may obtain continuing education credit for retaking the same broker prelicense course only if it is completed "after three (3) years of completing the previous course"; or
- provide to the Commission proof of successful completion of specified courses that do not have Commission-preapproval of the curriculum, instructors or providers, including certain "professional designation courses," courses that are "accredited by another profession or jurisdiction" or courses offered by an accredited college or university.

A certified course instructor who teaches a live course for which a licensee may obtain continuing education may receive credit for the number of classroom hours taught.

A license is renewable for a two-year period by timely submitting a completed application on or before the expiration date. If renewing an active license, the application must include:

- certification that the applicant has met the Commission's continuing education requirements;
- certification that the applicant has met the mandatory errors and omissions insurance requirement as set forth in § 54-2013; and
- payment of all renewal fees.

If the licensee fails to submit a completed renewal application on or before the expiration date, the Commission may accept a later application or payment of the fee, subject to conditions the Commission may require, including, but not limited to, payment of a late fee. An expired license that is not renewed within one year of its expiration date is automatically terminated and may not be renewed.

A licensee seeking to change from active to inactive license status must have the broker submit a status-change application to the Commission, and must meet the requirements set forth in § 54-2018(4).

Upon the Commission's request, a licensee must submit satisfactory proof of having met the continuing education requirements. "Satisfactory proof" consists of documentation that:

- identifies the "licensee, the title of the course, the course certification number, the course provider, the number of classroom hours, the completion date of the course or challenge exam," and includes a transcript, a letter from the provider verifying successful completion of the course or a course completion certificate; and
- identifies the course certification approval number.

See "Licensing Prerequisites" for a list items set forth in § 54-2019 that may cause the Commission to deny any real estate license application, including a renewal application.

The Commission may grant a three-month extension for completing the continuing education requirements if the applicant submits the following "satisfactory evidence" showing that he or she was unable to comply with the requirements:

- "bona fide hardship preventing completion of the reinstatement requirements of an inactive license";
- "health reasons" that prevent attendance or completion; or
- another "compelling cause" beyond the applicant's control "while engaged in the real estate business."

The Commission may not grant an additional time extension. The extension of time for licensees on active military duty was repealed, effective July 1, 2010.

A licensee may "receive continuing education course credit without having to take or pass an exam if the licensee personally attends the entire live presentation of an approved course." The Commission may substitute all or part of the required continuing education requirements if a licensee passes a Commission-approved challenge exam.

A licensee may request continuing education credit for attendance at a course that is not certified in Idaho, or that is not an accepted professional designation course. Upon request, the course will be reviewed to determine whether it fits within the Real Estate Commission's approved continuing education topics.

A certified course provider may, at its option, allow students who complete a course, but fail the exam, one chance to retake the approved course exam within the time periods specified in § 54-2036,

Upon the original application or renewal of every real estate license, the licensee must pay, in addition to the original or renewal license fee, a fee of \$20, which is credited to the special real estate fund.

ASSOCIATE BROKER REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See

"BROKER REQUIREMENTS" above.)

SALESPERSON OR AGENT REQUIREMENTS

All real estate licensees are required to meet the same general continuing education requirements. (See "BROKER REQUIREMENTS" above.)

To renew an active salesperson license for the first time, or to change from inactive to active status for the first time after expiration of the initial license period, a salesperson must complete two Commission core courses and the post-license course.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section 54-2070 enacted 2000; § 54-2023 amended 2014; §§ 54-2018, -2019, -2036 amended 2015; § 54-2004 amended 2017; regulation 33.01.01.402 amended 2014.

[Idaho Code Ann. §§ 54-2004, -2018, -2019, -2023, -2036, -2070 \(2019\); Idaho Admin. Code r. 33.01.01.402 \(2019\)](#)

Idaho, Licensing Categories

OVERVIEW

An individual may be licensed in Idaho "as a real estate salesperson, an associate broker, or a designated broker acting for a sole proprietorship or legal business entity."

BROKER

A "broker" includes:

- a person, other than a salesperson, who, while acting for another for compensation, acts as follows: "sells, lists, buys, or negotiates, or offers to sell, list, buy or negotiate the purchase, sale, option or exchange of real estate or any interest therein or business opportunity or interest therein for others";

- an actively licensed broker acting on his or her own behalf;
- a person who represents that he or she is engaged in any of the above activities;
- a person who "engages in, directs, or takes any part in" procuring prospects or in negotiating or closing any real estate transaction; and
- a dealer in options.

A "designated broker" is an individual who is licensed as an Idaho real estate broker and who is designated by the brokerage company to be responsible for supervising the brokerage company and its associated licensees.

ASSOCIATE BROKER

An "associate broker" is an individual who has "qualified personally as a real estate broker in Idaho," but is "licensed under, associated with and represents a designated broker" in a real estate activity.

SALESPERSON

A "salesperson" is a person who:

- has qualified and is licensed as a salesperson in Idaho; and
- is "licensed under, associated with, and represents a designated broker" in a real estate activity.

SPECIALIST CATEGORIES

The Commission may issue a nontransferable cooperative license to any out-of-state broker which license shall authorize the out-of-state broker to work in cooperation with an actively licensed Idaho real estate designated broker for the purpose of one Idaho commercial real estate transaction.

Sections amended 2017.

[Idaho Code Ann. §§ 54-2004, -2011 \(2019\)](#)

Idaho, Licensing Exemptions

Unless otherwise provided, the following do not require an Idaho real estate license:

- the "purchase, option, exchange or sale" of a real property interest or business opportunity for a person's own account or use;
- acquiring, exchanging or otherwise disposing of an interest in real property or business opportunity by its owner or his or her regular employee acting within the scope of his or her employment;
- an attorney-in-fact whose power of attorney is granted to consummate a single transaction "involving the conveyance of a single or undivided interest in a parcel of real property or in a business opportunity";
- a receiver, bankruptcy trustee, legal guardian or conservator, performing his or her official duty;
- an administrator, executor or personal representative of an estate;
- a person selling pursuant to the default provisions of a deed of trust, or his or her agent thereof; and
- an attorney-at-law acting in connection with client representation, provided the attorney is not regularly engaged in the business of a real estate broker or salesperson.

An actively licensed real estate broker, associate broker or salesperson must comply with the Idaho licensing laws, even if he or she otherwise qualifies for any of above exceptions.

Section amended 2003.

[Idaho Code Ann. § 54-2003 \(2019\)](#)

Idaho, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

All real estate license applicants must:

- have graduated from an accredited high school or its equivalent or hold a certificate of general education; and
- complete all prelicense education requirements for a salesperson's or a broker's license.

An applicant seeking a primary Idaho broker's license must, in addition to meeting the salesperson's license requirements, successfully complete four "specified courses in advanced real estate study," for a minimum of 90 additional classroom hours, "or the equivalent in available correspondence hours."

An applicant must successfully complete all prelicense real estate courses within no more than three years before the application date.

To receive credit for prelicense real estate courses,

- the student must "regularly attend and complete the course"; and
- the course must meet all requirements set forth in § 54-2036.

A student will not receive credit for an audited course or "when the content of a course repeats that for which credit has been previously received."

Service in "lower" category

Applicants seeking a primary Idaho license as a broker must provide "satisfactory evidence" of having been actively engaged, full-time for two years, as a licensed real estate salesperson during the five years immediately before the application date. The "evidence" must demonstrate that the licensed activity's "productiveness" was "generally commensurate with that of other licensees practicing in a similar capacity." The Commission may consider "listings, sales, options or other licensed activities" in determining whether the applicant meets the qualification. The Commission may require a broker applicant to furnish a report of listings and sales the applicant accomplished during two or more of the last five years. The broker with whom the applicant has been associated must certify the report, unless the Commission pre-approves an alternate form of verification.

The broker experience requirement may be modified or reduced, at the Commission's discretion, based on:

- the applicant's educational background; or
- experience in related or affiliated business activities.

The Commission may make the additional investigations and inquiries that it deems advisable.

Waiver of qualifications for some professionals

The broker experience requirement may be modified or reduced, at the Commission's discretion, based on the applicant's:

- educational background; or
- experience in related or affiliated business activities.

An individual who is currently and actively licensed in another state need not furnish proof of the educational prerequisites, except that an individual applying to be licensed as a designated broker of a business entity or sole proprietorship, or as a branch office manager, must comply with the requirements of § 54-2016. The applicant must also provide a current, certified license history from the other licensing state or jurisdiction, indicating any disciplinary action taken against the applicant's license by the other jurisdiction, and the license's status and standing in the other state or jurisdiction.

An individual who holds an active license in good standing in another state may, upon written request, obtain a certificate of waiver of the national portion of the exam required for Idaho licensure. Also, the Commission may issue an individual who is currently and actively licensed in another state a primary Idaho license "without further exam or proof of educational prerequisites pursuant to written agreement between Idaho and the other state or jurisdiction, provided that such other state or jurisdiction allows the issuance of real estate licenses in substantially the same manner." However, an individual applying to be licensed as "a designated broker of a business entity or sole proprietorship" or as a branch office manager must comply with the requirements of § 54-2016.

Upon an applicant's written request, the commission may waive or modify one or more prelicense course requirements if the applicant has satisfactorily completed a similar real estate course in Idaho or another state or jurisdiction. "Satisfactory completion" means the applicant regularly attended the course and received a final grade of at least a "C."

Annual fees and filings

The fee for an initial or renewal real estate license is \$160 per license period, including the \$20 fund fee required by § 54-2070. The fee for an initial or renewal license for a business entity/branch office is \$50 per license period.

The term of a new license is one year "plus the months up to and including" the licensee's next birthday, not to exceed a period of two years, and the license expires on the last day of the month of the licensee's birth date. Corporations and other entities have, as the "equivalent of a birth date," the birth date of its designated broker. Licensed branch offices have, as the equivalent of a birth date, the designated broker's birthday.

A license is renewable for a two-year period by submitting a completed application on or before the expiration date. If renewing an active license, the application must include:

- certification that the applicant has met the Commission's continuing education requirements;

- certification that the applicant has met the real estate licensee mandatory errors and omissions insurance requirement; and
- all required renewal fees.

If the licensee fails to submit a completed renewal application with the appropriate fees on or before the expiration date, the Commission may accept a later application or fee payment, subject to other conditions, including, but not limited to, a late fee.

Upon the original application or renewal of a real estate license for a two-year period, the licensee must also pay a \$20 fee to be credited to the special real estate fund.

A salesperson who applies for and receives a broker's license retains the renewal date of his or her salesperson's license.

Applicant investigation

In reviewing a broker's or associate broker's experience, the Commission may make any additional investigations and inquiries that it deems advisable.

An applicant must be fingerprinted for "the purpose of a national criminal history check to determine whether the applicant is qualified for licensure." The applicant must pay all fees associated with the fingerprinting and background check services. If the fingerprints are returned because they are illegible, the applicant must be fingerprinted again and file the new fingerprints with the Commission. Fingerprinting is done by the Commission's license examination provider, and applicants must make their own arrangements to be fingerprinted.

Examinations

Each prelicense course must include a Commission-approved final exam that requires a minimum passing score of 70 percent. A certified course provider may allow students who complete a course, but fail the course exam, one chance to retake the exam within one month of the original course exam. If a student fails the retake the exam, he or she must repeat the entire course and pass the exam to receive credit.

A real estate license applicant must also pass the Commission-approved real estate licensing exam for a sales or broker license. Unless an applicant receives a written waiver certificate, he or she must take and pass the national portion and the Idaho-state portion of the Commission-approved exam

during the 12 months immediately preceding the application date. An individual must register for the exam and pay a nonrefundable exam fee in an amount established by the Commission, but not exceeding \$100.

If an individual has obtained a waiver of the national portion of the exam, he or she must take and pass the Idaho-state portion of the exam, and submit the certificate of waiver with the exam application.

An individual who does not appear for or fails an exam may register to take another exam and submit a new exam fee.

Other prerequisites

Unless otherwise provided or waived by the [Idaho Real Estate Commission](#), a person seeking a primary Idaho real estate license must:

- be an individual;
- be at least 18 years old;
- furnish satisfactory proof that he or she graduated from an accredited high school or its equivalent or holds a certificate of general education;
- not have had a real estate or other professional or occupational license "suspended, or surrendered, or the renewal refused, for a disciplinary violation involving fraud, misrepresentation or dishonest or dishonorable dealing" during the five years immediately before the application date;
- not have been convicted or sentenced to confinement for a misdemeanor involving "fraud, misrepresentation or dishonest or dishonorable dealing," within five years before the application date;
- not have been convicted of a felony, except that after a period of five years from the date the person was "convicted or completed any term of probation, sentence or confinement or

period of parole, whichever is later," the applicant may request, in writing, an exemption review to determine the applicant's suitability for licensure, which the Commission must determine by reviewing any documents relating to the felony and any supplemental information the applicant provides and considering numerous listed factors regarding the crime, its relationship to the licensed real estate practice, and the applicant's activities since the crime;

- complete all prelicense education requirements;
- pass the Commission-approved real estate licensing exam and pay the required exam fees;
- be fingerprinted for the purpose of a national criminal history check and pay all fees associated with the fingerprinting and background check services;
- file an irrevocable consent to service;
- if licensing as a designated broker, provide the main business location's name and address;
- submit a properly completed application and the required fees; and
- provide satisfactory proof of meeting the mandatory errors and omissions insurance requirement for real estate licensees, as described in detail in § 54-2013.

An applicant seeking a broker's or associate broker's license must also meet the following qualifications:

- provide satisfactory evidence of meeting the experience requirements;
- designate a physical office location and a business name; and

- if currently licensed in Idaho as a salesperson and applying for a broker's or associate broker's license, the individual must submit a new fingerprint card for processing and pay any associated fees.

Corporate licensees

A legal business entity must be licensed to engage in the real estate business in Idaho. The entity must have a properly licensed individual as the designated broker, who is responsible for the entity's activities. The designated broker must, during the three years immediately before the designation, complete a Commission-approved "business conduct and office operations course." The designated broker must also be an officer if the entity is a corporation, a general partner if the entity is a partnership and a member or manager if the entity is a limited liability company.

A license issued to an entity is effective only as long as the designated broker's license is active and in effect.

An individual may act as designated broker for more than one licensed business entity, provided all entities have their main offices in the same physical location.

Both the designated broker and the licensed entity must provide proof of the mandatory errors and omissions insurance.

An entity doing business under an assumed name must have legally filed an assumed name certificate with the Idaho secretary of state.

A designated broker not licensed with an entity is licensed as a sole proprietor. Each sole proprietorship seeking a real estate license must:

- if doing business under an assumed name, provide proof of having filed an assumed name certificate with the Idaho secretary of state;
- provide proof of mandatory errors and omissions insurance; and
- show that the designated broker has satisfactorily completed a Commission-approved "business conduct and office operations course" during the five years immediately before the license application.

Each branch office in which trust funds and original transaction files are maintained must be separately licensed pursuant to procedures set forth in § 54-2016(4) .

ASSOCIATE BROKER QUALIFICATIONS

Education

All real estate license applicants must:

- have graduated from an accredited high school or its equivalent or hold a certificate of general education; and
- complete all prelicense education requirements for a salesperson's or a broker's license.

Generally, an applicant seeking a primary Idaho associate broker license must furnish "satisfactory proof" to the Commission that he or she has successfully completed, in addition to the requirements for a salesperson's license, four "specified courses in advanced real estate study," for a minimum of 90 additional classroom hours, or the equivalent in correspondence hours.

An applicant must successfully complete all prelicense real estate courses within no more than three years before the application date.

To receive credit for prelicense real estate courses,

- the student must "regularly attend and complete the course", and
- the course must meet all requirements set forth in § 54-2036.

A student will not receive credit for an audited course, or "when the content of a course repeats that for which credit has been previously received."

Service in "lower" category

Applicants seeking a primary associate broker's license must provide "satisfactory evidence" of

having been actively engaged, full-time for two years, as a licensed real estate salesperson during the five years immediately before the application date. The "evidence" must demonstrate that the licensed activity's "productiveness" was "generally commensurate with that of other licensees practicing in a similar capacity." The Commission may consider "listings, sales, options or other licensed activities" in determining whether the applicant meets the qualification. The Commission may require an associate broker applicant to furnish a report of listings and sales the applicant accomplished during two or more of the last five years. The broker with whom the applicant has been associated must certify the report, unless the Commission preapproves an alternate verification form.

The broker experience requirement may be modified or reduced, at the Commission's discretion, based on the applicant's:

- educational background; or
- experience in related or affiliated business activities.

The Commission may make the additional investigations and inquiries that it deems advisable.

Waiver of qualifications for some professionals

The broker experience requirement may be modified or reduced, at the Commission's discretion, based on:

- the applicant's educational background; or
- experience in related or affiliated business activities.

An individual who is currently and actively licensed in another state need not furnish proof of the educational prerequisites, except that an individual applying to be licensed as a designated broker of a business entity or sole proprietorship, or as a branch office manager, must comply with the requirements of § 54-2016. The applicant must also provide a current, certified license history from the other licensing state or jurisdiction, indicating any disciplinary action taken against the applicant's license by the other jurisdiction, and the license's status and standing in the other state or jurisdiction.

An individual who holds an active license in good standing in another state may, upon written request, obtain a certificate of waiver of the national portion of the exam required for Idaho licensure. Also, the Commission may issue an individual who is currently and actively licensed in another state a primary Idaho license "without further exam or proof of educational prerequisites pursuant to written agreement between Idaho and the other state or jurisdiction, provided that such other state or jurisdiction allows the issuance of real estate licenses in substantially the same manner." However, an individual applying to be licensed as "a designated broker of a business entity or sole proprietorship" or as a branch office manager must comply with the requirements of § 54-2016.

Upon an applicant's written request, the commission may waive or modify one or more prelicense course requirements if the applicant has satisfactorily completed a similar real estate course in Idaho or another state or jurisdiction. "Satisfactory completion" means the applicant regularly attended the course and received a final grade of at least a "C."

Annual fees and filings

All real estate licensees are subject to the same annual fee and filing requirements. (See "BROKER REQUIREMENTS" above.)

Applicant investigation

Real estate brokers and associate brokers are subject to the same investigation requirements. (See "BROKER REQUIREMENTS" above.)

Examinations

All real estate licensees are subject to the same general exam requirements. (See "BROKER REQUIREMENTS" above.)

Other prerequisites

Unless otherwise provided or waived by the Commission, a person seeking a primary Idaho real estate license must:

- be an individual;
- be at least 18 years old;

- furnish satisfactory proof that he or she graduated from an accredited high school or its equivalent or holds a certificate of general education;
- not have had a real estate or other professional or occupational license "revoked, suspended, or surrendered, or the renewal refused, for a disciplinary violation involving fraud, misrepresentation or dishonest or dishonorable dealing" during the five years immediately before the application date;
- not have been convicted or sentenced to confinement for a misdemeanor involving "fraud, misrepresentation or dishonest or dishonorable dealing," during the five years before the application date;
- not have been convicted of a felony, except that after a period of five years from the date the person was "convicted or completed any term of probation, sentence or confinement or period of parole, whichever is later," the applicant may request, in writing, an exemption review to determine the applicant's suitability for licensure, which the Commission must determine by reviewing any documents relating to the felony and any supplemental information the applicant provides and considering numerous listed factors regarding the crime, its relationship to the licensed real estate practice, and the applicant's activities since the crime;
- complete all prelicense education requirements;
- pass the Commission-approved real estate licensing exam and pay the required exam fees;
- be fingerprinted for the purpose of a national criminal history check and pay all fees associated with the fingerprinting and background check services;
- file an irrevocable consent to service;
- if licensing as an active associate broker, provide the name and physical address of the designated broker with whom the applicant will be licensed and that broker's signature;

- submit a properly completed application and the required fees; and
- provide satisfactory proof of meeting the mandatory errors and omissions insurance requirement for real estate licensees, as described in detail in § 54-2013.

An applicant whose real estate or other professional or occupational license was “revoked for a disciplinary violation involving fraud, misrepresentation or dishonest or dishonorable dealing” is barred from receiving an Idaho real estate license. After five years from the date of revocation, an applicant may make a written request to the Commission for an exemption. The exemption review will consist of a review of any documents relating to the disciplinary action and any supplemental information from the applicant bearing upon his or her suitability for licensure. The Commission may, at its discretion, interview the applicant.

An applicant seeking an associate broker's license must also:

- provide satisfactory evidence of meeting the state's experience requirements;
- designate a physical office location and a business name; and
- if currently licensed in Idaho as a salesperson and applying for broker's or associate broker's license, the individual must submit a new fingerprint card for processing and pay any associated fees.

SALESPERSON QUALIFICATIONS

Education

All real estate license applicants must:

- have graduated from an accredited high school or its equivalent or hold a certificate of general education; and

- complete all prelicense education requirements for a salesperson's or a broker's license.

Generally, an applicant seeking a primary salesperson's license must furnish "satisfactory proof" to the Commission that he or she has successfully completed "current commission-approved and accredited courses" for a total of 90 classroom hours, or the equivalent in correspondence hours.

An applicant must successfully complete all prelicense real estate courses within no more than three years before the application date.

To receive credit for prelicense real estate courses,

- the student must "regularly attend and complete the course", and
- the course must meet all requirements set forth in § 54-2036.

A student will not receive credit for an audited course, or "when the content of a course repeats that for which credit has been previously received."

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

An individual who is currently and actively licensed in another state generally need not furnish proof of the educational prerequisites. The applicant must also provide a current, certified license history from the other licensing jurisdiction, indicating any disciplinary action taken against the applicant's license by the other jurisdiction, and the license's status and standing in the other jurisdiction.

An individual who holds an active license in good standing in another state may, upon written request, obtain a certificate of waiver of the national portion of the exam required for Idaho licensure. Also, the Commission may issue an individual who is currently and actively licensed in another state a primary Idaho license "without further exam or proof of educational prerequisites pursuant to written agreement between Idaho and the other state or jurisdiction, provided that such other state or jurisdiction allows the issuance of real estate licenses in substantially the same manner."

Upon an applicant's written request, the commission may waive or modify one or more prelicense

course requirements if the applicant has satisfactorily completed a similar real estate course in Idaho or another state or jurisdiction. "Satisfactory completion" means the applicant regularly attended the course and received a final grade of at least a "C."

Annual fees and filings

All real estate licensees are subject to the same annual fee and filing requirements. (See "BROKER REQUIREMENTS" above.)

Applicant investigation

An applicant must be fingerprinted for "the purpose of a national criminal history check to determine whether the applicant is qualified for licensure." The applicant must pay all fees associated with the fingerprinting and background check services. If the fingerprints are returned because they are illegible, the applicant must be fingerprinted again and file the new fingerprints with the Commission. Fingerprinting is done at the examination testing centers.

Examinations

All real estate licensees are subject to the same general exam requirements. (See "BROKER REQUIREMENTS" above.)

Other prerequisites

Unless otherwise provided or waived by the Commission, a person seeking a primary Idaho real estate license must:

- be an individual;
- be at least 18 years old;
- furnish satisfactory proof that he or she graduated from an accredited high school or its equivalent or holds a certificate of general education;
- not have had a real estate or other professional or occupational license "revoked, suspended, or surrendered, or the renewal refused, for a disciplinary violation involving fraud, misrepresentation or dishonest or dishonorable dealing" within five years immediately before the application date;

- not have been convicted or sentenced to confinement for a misdemeanor involving "fraud, misrepresentation or dishonest or dishonorable dealing," within five years before the application date;
- not have been convicted of a felony, except that after a period of five years from the date the person was "convicted or completed any term of probation, sentence or confinement or period of parole, whichever is later," the applicant may request, in writing, an exemption review to determine the applicant's suitability for licensure, which the Commission must determine by reviewing any documents relating to the felony and any supplemental information the applicant provides, considering numerous listed factors regarding the crime, its relationship to the licensed real estate practice, and the applicant's activities since the crime;
- complete all prelicense education requirements;
- pass the Commission-approved real estate licensing exam and pay the required exam fees;
- be fingerprinted for the purpose of a national criminal history check and pay all fees associated with the fingerprinting and background check services;
- file an irrevocable consent to service;
- if licensing as an active salesperson, provide the name and physical address of the designated broker with whom the applicant will be licensed, and the broker's signature;
- submit a properly completed application and the required fees; and
- provide satisfactory proof of meeting the mandatory errors and omissions insurance requirement for real estate licensees, as described in detail in § 54-2013.

An applicant whose real estate or other professional or occupational license was “revoked for a disciplinary violation involving fraud, misrepresentation or dishonest or dishonorable dealing” is barred from receiving an Idaho real estate license. After five years from the date of revocation, an applicant may make a written request to the Commission for an exemption. The exemption review will consist of a review of any documents relating to the disciplinary action and any supplemental information from the applicant bearing upon his or her suitability for licensure. The Commission may, at its discretion, interview the applicant.

SPECIALIST QUALIFICATIONS

No relevant provisions were located.

Section 54-2070 enacted 2000; § 54-2022 amended 2014; § 54-2019 amended 2015; § 54-2014 amended 2012; § 54-2020 amended 2017; § 54-2012 amended 2012, § 54-2013 amended 2016, §§ 54-2018, -2019, -2036 amended 2015, §§ 54-2015, -2016, amended 2010; regulation 33.01.01.100 amended 2007; Fingerprint Instructions revised 2019.

[Idaho Code Ann. §§ 54-2012, -2013, -2014, -2015, -2016, -2018, -2019, -2020, -2022, -2036, -2070 \(2019\)](#); [Idaho Admin. Code r. 33.01.01.100 \(2019\)](#); [Fingerprint Instructions for Idaho Real Estate License Applicants \(rev. 01/2019\)](#)

Illinois

Illinois, Continuing Education Approval

PROVIDER

General requirements

Only continuing education providers that possess a valid education provider license may provide courses that satisfy the state's continuing education requirements. A license expires on June 30 of each even-numbered year and must be renewed biennially by submitting a renewal application and renewal fee.

Effective January 1, 2018, to qualify for an education provider license, an applicant must demonstrate:

- "a sound financial base for establishing, promoting, and delivering the necessary courses; budget planning for the school's courses should be clearly projected;"
- a sufficient number of qualified, licensed instructors as provided by rule;
- adequate support personnel;
- maintenance and availability of participation records for licensees;
- "the ability to provide each participant who successfully completes an approved program with a certificate of completion;"
- a written policy dealing with procedures for the management of grievances and fee refunds;
- lesson plans and examinations, if applicable, for each course;
- a 75% passing grade for successful completion of any continuing education course, if required;
- the ability to identify and use instructors who will teach in a planned program.

Each university, college, community college, or school supported by public funds in Illinois will be deemed to qualify as an education provider, as long as it meets the following criteria and certifies to the Department that:

- the facility is domiciled and supported by public funds Illinois;
- the instructors are approved and licensed by the Department;

- the courses offered are approved and licensed by the Department;
- the program that offers continuing education is a not-for profit division of the university, college, community college, or school; and
- the courses and curriculum meet the regulatory requirements.

Approval applications

To obtain a education provider license, a person must apply to the [Division of Real Estate](#) ("Division") of the Department of Financial & Professional Regulation ("Department"), pay the required fees, and submit:

- a course description, learning objectives, and course materials;
- comprehensive timed outline;
- when required, the final examination and answer key for each course;
- an exam proctor policy; and
- any other information required.

Every provider must provide to the Division, upon request, a schedule that includes the location, date, time and instructor's name for each continuing education course to be offered. It must also certify on the initial application that financial resources are available to equip and maintain its office adequately.

Distance learning course approval

"Distance education courses" are "non-interactive courses in which students review and learn material through self-study, without any mandatory interaction with a licensed instructor." They include courses presented through "the internet and print media (i.e., audio tape, recording, written material, video tape, recording, CD or DVD)." Distance education courses must be licensed to a licensed prelicense or continuing education school and must meet the regulatory curriculum requirements.

An education provider must submit distance education courses to the Division for review and approval. The 12-hour broker management post-license continuing education course is *not* eligible for distance education.

Schools providing distance education courses must:

- establish written policies and procedures for proctoring and grading examinations and, if required, for promptly returning materials;
- establish "performance objectives for each course"; and
- have a licensed instructor and technical support available during normal business hours to answer students' questions.

Distance learning courses must comply with all continuing education course approval requirements, except that:

- verified attendance is required only for taking examinations, prior to which the student's identity must be verified by valid and unexpired photo identification;
- the examination site is determined by the school and must be proctored; and
- classroom instruction or other interactive participation is not permitted.

Approved distance education courses must require students to spend the same time completing the course as it would take them to complete a classroom course. Schools must include a comprehensive timed outline consistent with course hour requirements for each distance education course initial application.

Effective August 9, 2019, courses provided through a live, interactive webinar "must require all participants to demonstrate their attendance in and attention to the course by answering or responding to at least one polling question per 50 minutes of course instruction." Additionally, "[a]ll participants in courses provided in an online distance education format shall demonstrate proficiency with the subject matter of the course through verifiable responses to questions included in the course content."

Approved education providers may also offer home study or correspondence courses approved by the Division pursuant to Ind. Admin. Code tit. 68, § 1450.1155.

Advertising

"Advertising and promotion of education activities must be carried out in a responsible fashion clearly showing the educational objectives of the activity, the nature of the audience that may benefit from the activity, the cost of the activity to the participant and the items covered by the cost, the amount of credit that can be earned, and the credentials of the faculty."

No education provider may advertise that it is endorsed, recommended or accredited by the Division, but it may indicate that the school is licensed by the Division. Education providers must specify, in any advertising promoting CE courses, the number of CE credit hours that may be earned toward Illinois CE requirements.

Student records

A provider must maintain its records for at least five years and make them available for the Division and student inspection during regular business hours.

Certificates of completion

Upon a student's successful completion of a course, an education provider must issue a certificate of completion on Division-approved forms signed or otherwise authenticated by the provider. The school is responsible for assuring verified attendance at each course and examination. A licensee may not receive continuing education credit for time not actually spent attending the course or if he or she did not achieve a passing score of at least 70 percent (75 percent, effective January 1, 2018) on the course examination.

Other submissions

Education provider license applications must be accompanied by a nonrefundable application fee in the amount of \$1,025. A provider must also submit a biennial renewal application, with a renewal fee of \$525 per year, and a listing of the courses to be offered during the year. The term for a continuing education school license is two years.

The fee for an application for initial licensure of a continuing education course is \$125, which fee must accompany the course's approval application. A license for an approved course expires on June 30 of each even-numbered year and must be renewed by submitting a renewal application on a Division approved application. The fee for renewing the course's approval is \$50 per year.

On or before the 15th day of each month, a continuing education provider must submit to the Division a monthly report that contains information concerning students who successfully completed all approved continuing education courses offered by it during the prior calendar month.

CONTENT

Continuing education courses must comply with a standardized curriculum provided by the Division. Each course must include one or more subjects from either core category (A or B) or elective category, regardless of whether students are in a classroom, attending via other interactive method or participating in a distance education course. Effective January 1, 2018, all core curriculum courses must be provided only in the classroom or through a live, interactive webinar or online distance education format.

A licensee may earn credit for a specific continuing education course only once during each renewal period.

One hour of approved continuing education credit:

- must include at least 50 minutes of classroom instruction; and
- may not include time devoted to taking examinations.

A continuing education course must be a minimum of two hours and offered in two-hour increments, with each increment from topics in the core or elective category. Topics from the core and elective categories may not be combined during the same two-hour period. No more than six hours of continuing education credit may be taken in one calendar day. Effective January 1, 2018, a continuing education course may not be required to be taught in increments longer than two hours in duration; however, for each two hours of course time in each course, there must be a minimum of 100 minutes of instruction.

A licensed continuing education school may not allow the premises or classrooms to be used to recruit students.

MATERIALS

An education provider must submit, at the time of its initial license application and with each license renewal, a list of materials to be provided to students. Each submitted course outline must reference the textbook used and other material related to the course or subject matter and must conform to the division-approved standardized curriculum.

INSTRUCTOR QUALIFICATIONS

Only licensed continuing education instructors may teach continuing education courses.

A person who wants to obtain a continuing education instructor license must apply to Division in writing, accompanied by an application fee in the amount of \$75. The fee must accompany the application to determine an applicant's fitness to receive approval.

A person who wishes to obtain a continuing education instructor's license must attend and complete a one-day, six-hour instructor development course approved by the Division. Attendance at the twelve-hour prelicensing instructor course will satisfy this requirement.

A person applying for an instructor license must meet one of the following criteria:

- be licensed and active as a broker or managing broker for the immediately preceding three years;
- be currently admitted to practice law and engaged in real estate-related work as part of the active practice of law for the immediately preceding three years, or taught prelicense courses;
- be a real estate course instructor engaged in teaching for the immediately preceding three years;
- hold a professional designation, including, without limitation, a designated real estate instructor (DRE);
- be approved by a college or university's to teach a real estate degree program;
- be licensed or certified to engage in the business of certified real estate appraiser, certified mortgage loan originator, home inspector, auctioneer, or certified public accountant, or other related profession as established by the Department for the immediately preceding three years; or
- be qualified by experience or education as described in 225 Ill. Comp. Stat. 30-15(b)(9).

Effective August 9, 2019, a person with a valid prelicense instructor license may teach prelicense, continuing education core curriculum, continuing education elective curriculum, or broker management education courses if the or she meets specific criteria adopted by Department rule. Those persons who have not met the criteria or who only possess a valid continuing education instructor license may only teach continuing education elective curriculum courses. Any person with a valid continuing education instructor license who wishes to teach continuing education core curriculum or broker management continuing education courses must obtain a valid prelicense instructor license.

The Division may refuse to issue a continuing education instructor's license for good cause. A person may be approved to teach only a certain continuing education course, or a certain type of continuing education course. Effective January 1, 2018, licensed education provider instructors may teach for more than one licensed education provider.

In order to renew a license, which expires June 30 of each odd-numbered year, every continuing education instructor must submit certification that he or she has taught at least two courses during the last six years or successful completion of the approved six-hour instructor training and development course. The fee for renewing continuing education instructor approval is \$75 per year.

PRIOR APPROVAL REQUIREMENTS

Approval timing

A licensee will not receive continuing education credit for continuing education courses taken in Illinois from schools that the Division has not pre-approved. A continuing education school may not offer a continuing education course until the Division has issued a certificate of registration for that course.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

If applicable, a continuing education provider must require a score of at least 75 percent, on an examination that measures the licensee's understanding of the course material. The school must give the examination on-site immediately following a continuing education course. If the school offers a sequence of courses, it may give the examination either at the end of each individual course or at the end of the sequence of courses, as long as the examination covers all aspects of the course. The examination must be a closed-book examination, unless the Department excuses this requirement "based on the complexity of the material."

The examination must be closed-book and include at least 25 questions for each two-hour increment. The licensee may receive credit only if he or she successfully completes the examination. The school must allow a student "one retake within 30 days after a failed examination in order to receive credit," but it may not allow more than one retake. A licensee failing a retake examination must retake the course.

Distance learning courses shall not administer the examination until a student has had adequate time to complete the course.

Effective January 1, 2018, credit for courses completed in a classroom or through a live, interactive webinar or online distance education format may not require an examination. Providers must comply with Ill. Admin. Code tit.68, § 1450.1175 in order for a course to be exempted from the final exam requirement. Credit for courses provided through correspondence, or by home study, must require the passage of an in-person, proctored examination.

Proctors

An education provider must provide a proctor or an electronic means of proctoring for each examination; the education provider shall be responsible for the proctor's conduct.

A "proctor" is "any person, including, but not limited to, an instructor, who has a written agreement to administer examinations fairly and impartially with a licensed education provider."

The proctor must authenticate the identity of the student taking the exam; monitor the student and examination-taking process to ensure that the examination is completed without the aid of additional persons or resources, unless approved by the Department; and protect the confidentiality of educational materials. "Proctors must be impartial third parties and may not be an applicant's or licensee's sponsoring broker, managing broker, relative, or colleague."

Statutes amended 2019; all regulations amended 2019, except 1450.450. 1450.140 and 1450.1170 repealed 2019; r. 1450.1180 promulgated 2019; website history unknown

[225 Ill Comp. Stat. 454/1-10, 5-70; 30-15, -20, -25 \(2019\); Ill. Admin. Code tit. 68, §§ 1450.130, .450, .1130, .1135, .1140, .1145, .1150, .1155, .1160, .1175, .1180 \(2019\); Division of Professional Regulation, Real Estate – Continuing Education Core Curriculum](#)

Illinois, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

The requirements of Article 5, which contains the state's licensing and education requirements, do not apply to licensees who, during the pre-renewal period,

- serve in the U.S. armed services;
- serve as an elected state or federal official;
- serve as a full-time employee of the Department; or
- are admitted to practice law in Illinois.

The Department and its employees are exempt from education, course provider, instructor, and course license requirements and fees while acting in an official capacity on behalf of the Department.

A person who receives an initial broker's license during the 90 days before the broker renewal date is not be required to complete the continuing education course requirement as a condition of his or her initial license renewal.

In place of credit for those courses listed in § 5-70(e) (a list of subject areas approved by the Advisory Council), an instructor may earn continuing education credit for serving as a licensed instructor in an approved continuing education course. The amount of credit earned for teaching a course equals the amount of continuing education credit for which the course is approved for licensees taking the course.

If a licensee has earned continuing education hours in another state, the Advisory Council must approve those hours based on whether the course is one that would be approved under Illinois law, whether the course meets the basic continuing education requirements, and any other statutory or regulatory criteria.

A broker whose license has expired may renew his or her license without paying a lapsed renewal or reinstatement fee, and may renew his or her license within two years following the termination of service without needing to take a refresher course or a retest, if the license expired while the licensee was:

- on active duty with the U.S. Army, Navy, Marine Corps, Air Force, Coast Guard, or the State Militia called into the U.S. service or training;
- engaged in training or education under U.S. supervision before induction into military service; or
- serving as an employee of the Division.

The broker must supply evidence showing proof of the service, education, or training, and that it was terminated under honorable conditions.

The continuing education requirements apply to all licensees. If a license has expired for two years or more, the date of initial licensure is deemed to be the date of licensure after the nonrenewed period.

The Director may grant variances in individual cases in which he or she finds that:

- the "provision from which the variance is granted is not statutorily mandated";
- granting the variance will not injure any party; and
- the rule from which the variance is granted would be "unreasonable or unnecessarily burdensome."

Required hours

A licensee who applies for two-year renewal of his or her license must successfully complete approved real estate continuing education courses "at the rate of 6 hours per year or its equivalent," with six hours in core curriculum and no more than six hours approved elective courses. A licensee may earn credit for a specific continuing education course only once during the renewal period. Effective August 9, 2019, the requirement is statutorily expressed as completion of 12 hours of continuing education in the current license term. The total of 12 CE hours of courses approved by the Department may be taken at any time during the pre-renewal period

CE credit may also be earned by passing a proctored exam of a correspondence or home study offered and verified by a licensed education provider.

Continuing education classes taken for disciplinary purposes may not be used towards license renewal requirements.

The approved post-license course for brokers, and the approved brokerage administration and management course, will satisfy the continuing education requirement for the license period during which the course was taken.

Minimum class length

A continuing education course must be a minimum of three hours and must be offered in three-hour increments. A licensee may not earn more than 12 hours of continuing education credit in one calendar day. Effective August 9, 2019, a continuing education course may not be required to be taught in increments longer than two hours in duration; however, for each one hours of course time in each course, there must be a minimum of 50 minutes of instruction.

Subjects

The continuing education requirement for brokers consists of a core curriculum and an elective curriculum. At least three hours per year or six hours per each two-year renewal period must be completed in the core curriculum (three hours Core A and three hours Core B). (Effective January 1, 2018, the core curriculum may not be further divided into subcategories or divisions of instruction, and shall consist of four hours per two-year renewal period.)

The core curriculum is as follows:

- Core A: Agency, License Law, and Escrow
 - Agency (60 minutes): legislative intent; relationship between licensees and consumers; duties of licensees; duties after termination; agency relationship disclosure; "compensation does not determine agency"; dual agency; designated agency; minimum services & exclusive brokerage agreements

- License Law (30 minutes): disciplinary actions/causes not related to escrow; recent changes to Real Estate License Act; employment agreements and other topics (e.g. ministerial acts and unlicensed assistants)

- Fair Housing (45 minutes)

- Escrow (15 minutes): overview; disciplinary actions related to escrow

- Core B: Legal Issues (3 hours)
 - The legal issues curriculum is flexible. Examples of topics that are acceptable include, without limitation:
 - Mortgage fraud;

 - Short sales and foreclosures;

 - Federal laws and regulations affecting real estate, including, but not limited to, those governing:
 - Anti-trust
 - Fair housing
 - RESPA
 - Do-Not-Call, Junk Fax Protection, Can Spam, etc.
 - Disclosure (e.g., lead paint, other environmental)
 - MARS disclosure requirements
 - Employment

 - Illinois, county and municipal laws and regulations affecting real estate, including, but not limited to, those governing:

- Fair Housing (e.g., Illinois Human Rights Act)
 - Disclosure (e.g., residential real property disclosure, radon, other environmental)
 - Leases and landlord-tenant issues
-
- Enforcement cases;
-
- Property management; and
-
- Office policies addressing legal issues.

Subject areas of approved continuing education courses may include without limitation the following:

- license law and escrow;
- antitrust;
- fair housing;
- agency;
- appraisal;
- property management;

- residential brokerage;
- farm property management;
- transaction management rights and duties of parties in a transaction;
- commercial brokerage and leasing;
- real estate financing;
- disclosures;
- broker supervision and managing broker responsibility;
- professional conduct;
- use of technology;
- residential leasing agent management; and
- advertising.

A licensee may earn credit for a specific continuing education course only once during each renewal period.

One hour of approved continuing education credit:

- must include at least 50 minutes of classroom instruction; and
- may not include time devoted to taking examinations.

A licensed education provider may not allow the premises or classrooms to be used to recruit students.

Attendance requirements

A licensee may not receive continuing education credit "for time not actually spent attending" the course.

Online classes

A licensee may earn credit hours for approved self-study programs and distance education courses.

"'Online distance education' means education courses that are interactive, but not in real time, in which students independently learn and review material online, and, for verification of the student's participation and comprehension, interact with an Illinois licensed instructor or Learning Management System." Distance education courses must be affiliated with a licensed education provider and must meet the regulatory curriculum requirements.

A provider must submit distance education courses to the Division for review and approval.

Providers providing distance education courses must:

- establish written policies and procedures for grading examinations and lessons and for promptly returning materials;
- establish "performance objectives for each course";
- have a licensed instructor available during normal business hours to answer students' questions;

- submit to the Division for approval the "general plans for proctoring exams for distance education courses" (each school is responsible for the examinations' security and integrity and the suitability of the sites and proctors); and
- provide appropriate technical support.

Distance learning courses must comply with all continuing education course approval requirements, except that:

- verified attendance is required only at the examination; and
- classroom instruction is not required.

Acceptable self-study materials include, but are not limited to, reading materials and audio or video content.

The education provider determines the examination site for a self-study continuing education courses. The sponsor's representative, who need not be an approved instructor, must proctor the examination.

Approved distance education courses must require students to spend the same time completing the course as it would take them to complete a classroom course. Providers must include a comprehensive timed outline consistent with course hour requirements for each distance education course initial application.

Effective August 9, 2019, courses provided through a live, interactive webinar "must require all participants to demonstrate their attendance in and attention to the course by answering or responding to at least one polling question per 50 minutes of course instruction." Additionally, "[a]ll participants in courses provided in an online distance education format shall demonstrate proficiency with the subject matter of the course through verifiable responses to questions included in the course content."

Other requirements

A licensee may renew his or her license within 90 days before its expiration date. A licensee whose license has expired may renew the license during the two-year period following the expiration date.

A licensee whose license has been expired for more than two years must meet the requirements for a new license.

A renewal applicant must certify full compliance with the continuing education requirements. An education provider must submit to the Department a monthly report listing those licensees that have passed continuing education courses, but the Department may require additional evidence demonstrating compliance, and the renewal applicant must retain and produce evidence of compliance upon the Department's request.

A licensee must receive a 70 percent (75%, effective January 1, 2018) passing grade for successful completion of any continuing education course.

The fee for renewing a broker's license is \$75 per year, and the fee for renewing a broker's license that has not been expired for more than two years is "the sum of all lapsed renewal fees plus \$50." See regulation 1450.130 for numerous additional fees that may apply.

A broker's license expires on April 30 of each even-numbered year.

If a renewal applicant has earned continuing education hours in another state or territory for which he or she is claiming credit toward full compliance in Illinois, the Board will review and recommend to the Department whether it should approve, the course.

MANAGING BROKER REQUIREMENTS

Except as noted below, managing brokers are subject to the same continuing education requirements as brokers.

Required hours

In addition to completing 12 CE hours during the renewal period, managing brokers are required to complete a 12-hour broker management interactive continuing education course. The course may be completed in the classroom or through an interactive webinar.

The approved 45-hour brokerage administration and management pre-license course satisfies the 12-hour broker management continuing education requirement for the pre-renewal period in which the course is taken.

Subjects

The broker management course must be a course approved by the Department.

Other requirements

A managing broker's license will expire on April 30 of each odd-numbered year.

The renewal fee is \$100 per year.

SALESPERSON REQUIREMENTS

All existing sales person licenses terminated on May 1, 2012.

SPECIALTY LICENSE REQUIREMENTS

Leasing agents

Exemptions

A leasing agent's license renewal applicant is not required to comply with the education renewal requirements for the first renewal following the original issuance of the applicant's leasing agent license.

A leasing agent whose license has expired may renew the license without paying any lapsed renewal or reinstatement fee, and may renew his or her license within two years following the termination of service without needing to take a refresher course or a retest, if the license expired while the licensee was:

- on active duty with the U.S. Army, Navy, Marine Corps, Air Force, Coast Guard, or the State Militia called into the U.S. service or training;
- engaged in training or education under U.S. supervision before induction into military service; or
- serving as the Director, Deputy Director or an employee of the Division.

Required hours

To renew a leasing agent's license, the licensee must complete, during the pre-renewal period before the renewal, a minimum of six hours of approved continuing education that is relevant to leasing residential real property.

Minimum class length

No specifically relevant provisions were located.

Subjects

Approved continuing education courses must, "at a minimum, cover recent changes in the Act and other laws affecting the leasing of residential real estate and material regarding fair housing laws" related to residential real property leasing. The continuing education requirement for leasing agents must consist of a single core curriculum to be established by the Department as recommended by the Board.

Continuing education schools, instructors and courses must be approved as provided by regulations §§ 1450.1130, 1450.1135, and 1450.1155.

Attendance requirements

No specifically relevant provisions were located.

Online classes

No specifically relevant provisions were located.

Other requirements

Credit must be obtained through a Department-approved education provider. The Division may require additional evidence demonstrating compliance with the continuing education requirements, and each renewal applicant must produce evidence of compliance.

The application fee to renew a leasing agent's license is \$50 per year. The late renewal fee for a license renewed after its expiration date is \$50. See regulation 1450.130 for numerous additional fees that may apply.

A leasing agent license expires on July 31 of each even-numbered year.

All statutes amended 2019, except 5-80 amended 2017; all regulations amended 2019, except 1450.1130 repealed 2019.

[225 Ill. Comp. Stat. 454/1-10; 5-10, -20 -50, -70, -75, -80; 30-15 \(2019\); Ill. Admin Code tit. 68, §§ 1450.130, .140, .250, .450, .540, .1000, .1130, .1135, .1155 \(2019\); Continuing Education Core Curriculum; Continuing Education Fact Sheet for 2019 Real Estate Managing Broker Renewal; Continuing Education Fact Sheet for 2018 Real Estate Broker Renewal; Continuing Education Fact Sheet 2018-Real Estate Leasing Agent Renewal.](#)

Illinois, Licensing Categories

BROKER

A "broker" is an individual or entity other than a residential leasing agent, who for another and for compensation, acts as follows:

- "sells, exchanges, purchases, rents, or leases real estate";
- offers to "sell, exchange, purchase, rent, or lease real estate";
- "negotiates, offers, attempts, or agrees to negotiate a real estate sale, exchange, purchase, rental or lease";
- lists, offers, attempts or agrees to list real estate;
- "engages in a pattern of business of buying, selling, offering to buy or sell, marketing for sale, exchanging, or otherwise dealing in contracts, including assignable contracts for the purchase or sale of, or deals in options on real estate or improvements";
- supervises the "collection, offer, attempt, or agreement to collect rent";
- "advertises or represents himself or herself as being engaged" in the real estate business;
- assists in procuring or referring prospects;

- assists in negotiating a transaction intended to result in a real estate transaction;
- prepares or provides a broker price opinion or comparative market analysis;
- "opens real estate to the public for marketing purposes"; or
- auctions real estate for sale or lease.

ASSOCIATE (OR OTHER) BROKER

Managing Broker

A "managing broker" is a broker who has responsibilities as a designated managing broker for licensees in one or more office, upon appointment by the sponsoring broker and registration with the Department. A managing broker may act as his or her own sponsor.

SALESPERSON

The licensing category of salesperson was eliminated on April 30, 2011. All existing sales person licenses terminated on May 1, 2012.

SPECIALIST CATEGORIES

Residential leasing agent

A "residential leasing agent" is a person who is a "person who is employed by a broker to engage in licensed activities limited to leasing residential real estate" who has obtained a license pursuant to 225 ILCS 454/5-5.

A residential leasing agent license enables the licensee "to engage only in residential leasing activities for which a license is required," which include, "leasing or renting residential real property,

or attempting, offering, or negotiating to lease or rent residential real property, or supervising the collection, offer, attempt, or agreement to collect rent for the use of residential real property."
"Nothing . . . shall be construed to require a licensed managing broker or broker to obtain a residential leasing agent license in order to perform leasing activities for which a license is required" A residential leasing agent "may not engage in any activity that would otherwise require a broker's license, including, but not limited to, selling, offering for sale, negotiating for sale, listing or showing for sale, or referring for sale or commercial lease real estate."

A sponsoring broker must sponsor and employ a licensed leasing agent.

Section 454/1-10 amended 2019; 454/5-5 amended 2019.

[225 Ill. Comp. Stat. 454/1-10, /5-5 \(2019\)](#)

Illinois, Licensing Exemptions

The Illinois real estate licensing laws do not apply to the following:

- a person that, as owner or lessor, performs any of the acts described in the definition of "broker" with reference to property owned or leased by it;
- the regular employees of an owner, if the acts are performed in the regular course of, or as an incident to, managing, selling or disposing of property, provided the employees do not perform any of the acts described in the definition of "broker" in connection with a vocation of selling or leasing any other real estate or improvements;
- an attorney-in-fact acting under a power of attorney;
- an attorney-at-law performing his or her duties as such;
- a receiver, bankruptcy trustee, administrator, executor or guardian;

- a person acting under a court order, will or testamentary trust;
- a person acting as a resident manager for an owner or an employee acting as a resident manager "for a broker managing an apartment building, duplex, or apartment complex, when the resident manager resides on the premises, the premises is his or her primary residence, and the resident manager is engaged in the leasing of the property of which he or she is the resident manager";
- a federal agency's officer or employee conducting official duties;
- an officer or employee of the state government (or any political subdivision thereof) performing official duties;
- certain multiple listing services or other information exchanges;
- railroads and other regulated public utilities or their officers or full-time employees, unless the performance of any licensed activities is in connection with a real estate transaction that does not requires a state authority's approval;
- an advertising medium in the routine course of selling or publishing advertising;
- a resident lessee of a residential dwelling unit who refers for compensation to the owner prospective lessees of dwelling units in the same building or complex, provided certain conditions are met;
- an exchange company registered under the Real Estate Timeshare Act of 1999 and its regular employees conducting an exchange program;
- an "existing timeshare owner who, for compensation, refers prospective purchasers," provided certain specified conditions are met;

- a person who holds a valid license under the Auction License Act and a valid real estate auction certification and conducts auctions for the sale of real estate under 225 Ill. Comp. Stat. 454/5-32;
- a person who is licensed without examination under the Auction License Act, provided certain specified conditions are met;
- a registered hotel operator who pays taxes under the Hotel Operators' Occupation Tax Act and rents hotel rooms for no more than 30 consecutive days and no more than 60 days in a calendar year; and
- a person who participates in an online marketplace enabling persons to rent out all or part of the person's owned residence.

Section amended 2019.

[225 Ill. Comp. Stat. 454/5-20 \(2019\)](#)

Illinois, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

An applicant must have successfully completed high-school or its equivalent.

An applicant for a broker license must provide satisfactory evidence of the completion of 75 hours of instruction in real estate courses approved by the Advisory Council.

The prelicensing curriculum is:

- a 75-credit hour course including, but not limited to, the following topics:
- Introduction to License Law;
- Real Property;
- State and Federal Law;
- Real Estate Transactions; and
- Real Estate Career Paths; and
- a 15-credit hour Applied Real Estate Principles course presented in the classroom or by other interactive delivery method consisting of any of the following: Situational and Case Studies and Role Playing and Demonstration of Real Estate Activities primarily dealing with the application of the above topics.

First-year educational requirements

Brokers must complete a 30-hour post-license course ("New Broker Training" course) and pass an education-provider administered exam prior to their first renewal of that license. The course must be completed within the two years immediately prior to the broker's first renewal.

An individual whose first license is that of a broker received on or after the January 1, 2018 must provide evidence of having completed 30 hours of post-license education in courses recommended approved by the by the Department, 15 hours of which must consist of situational and case studies presented in a classroom or a live, interactive webinar, online distance education course, or home study course. Credit for courses taken through a home study course require passage of an examination.

A broker who first received his or her license on or after August 9, 2019 must complete 45 hours of post-license education presented in a classroom or a live, interactive webinar, or online distance education course, and which requires passing a final examination. "The Board may recommend, and the Department shall approve, 45 hours of post-license education, consisting of three 15-hour post-license courses, one each that covers applied brokerage principles, risk management/discipline, and transactional issues." Each course must require its own 50-question final examination. Individuals whose first broker license is received on or after August 9, 2019, must complete all three 15-hour courses and successfully pass the final exam for each prior to the date of the next broker renewal deadline, except for those individuals who receive their first license within the 180 days preceding the next broker renewal deadline, who must complete do so prior to the second broker renewal deadline that follows receipt of their license.

Brokers taking the post-license course during their first renewal period are not required to complete any other continuing education during that renewal period.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

The prelicense education requirements do not apply to applicants who are currently admitted to practice law by the Illinois Supreme Court.

Division regulations provide that the Division may issue a broker's license to a broker licensed in another state provided certain conditions are met, including, among others, that:

- the state's standards for broker licensing are substantially equal to or greater than the minimum standards in Illinois;
- the broker maintains a definite place of business in his or her state of licensure;
- the broker submits a statement bearing the seal of the other state's licensing authority showing that he or she has an active broker license in good standing;

- the broker completes a course and passes a test on Illinois real estate laws; and
- the Division has a reciprocal agreement with that state.

Division regulations also allow variances in individual cases in which he or she finds that:

- the "provision from which the variance is granted is not statutorily mandated";
- granting the variance will not injure any party; and
- the rule from which the variance is granted would be "unreasonable or unnecessarily burdensome."

Annual fees and filings

A licensee may renew his or her license within 90 days before its expiration date. A licensee whose license has expired may renew the license during the two-year period following the expiration date. A licensee whose license has been expired for more than two years must meet the requirements for a new license.

A renewal applicant must certify full compliance with the continuing education requirements. A continuing education school must submit to Department a monthly report listing those licensees that have passed continuing education courses, but Department may require additional evidence demonstrating compliance and the renewal applicant must retain and produce evidence of compliance upon Department's request.

A licensee must receive a 70-percent passing grade for successful completion of any continuing education course.

The fee for renewing a broker's license is \$75 per year, and the late fee for renewing a broker's license that has not been expired for more than two years is \$50. See regulation 1450.130 for numerous additional fees that may apply.

A broker's license expires on April 30 of each even-numbered year.

Applicant investigation

No specifically applicable provisions were located. However, the Board may consider the following in determining an applicant's moral character and whether to grant a license:

- that an applicant has been "convicted of or enter[ed] a plea of guilty or nolo contendere to forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other similar offense"; or
- that an applicant has been convicted of a "felony involving moral turpitude."

A real estate license applicant must answer any questions that the Board requires to determine his or her "good moral character" and competency to transact real estate business so as to safeguard the public's interests.

Examinations

A real estate license applicant must personally take and pass a written examination authorized by Division. Each course must end in a mandatory proctored final examination prepared by the prelicense school consisting of at least 25 questions for each 15 credit hours for which the minimum passing score must be at least 75%. The exam must be provided at the completion of every 15 credit hours or the conclusion of a course.

An applicant who receives a passing score on the written examination must file an application and meet all requirements for a license within one year after passing the examination, or credit for the examination terminates.

An applicant who fails an examination four times must repeat the pre-license education in order to sit for the examination again.

Other prerequisites

An applicant for a broker's license generally must be at least 18 years of age.

A broker's license applicant must submit:

- a completed application;

- the required fee; and
- proof of completion of the educational requirements.

No applicant may engage in any of the activities requiring a license until a valid sponsorship has been registered with the Department.

The Division may refuse to issue or renew the license of a person who:

- fails to file a tax return or pay any tax, penalty or interest;
- has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or an Illinois governmental agency; or
- is more than 30 days' delinquent in paying child support.

The fee for an initial broker's license is \$125.

Corporate and other entity licenses

A corporation may not receive a broker's license unless:

- every officer who actively participates in the corporation's real estate activities holds a managing broker's or broker's license, and all nonparticipating officers or owners submit affidavits of nonparticipation as required by the Department; and
- every employee who acts as a managing broker, broker or leasing agent holds a license as a managing broker, broker, or leasing agent.

A partnership may not receive a broker's license unless:

- every partner who actively participates in the real estate activities of the partnership holds a managing broker's or broker's license, and all nonparticipating partners submit affidavits of nonparticipation as required by the Department; and
- every employee who acts as a broker, managing broker or leasing agent holds the appropriate license.

In a registered limited liability partnership, every partner who participates in the LLP's real estate activities must hold a broker's or managing broker's license and every employee who acts as a managing broker, broker or leasing agent must hold the appropriate license. Nonparticipating partners must submit affidavits of nonparticipation as required by the Department

A limited liability company may not receive a broker's license unless:

- every manager or member that actively participates in the LLC's real estate activities holds a managing broker's or broker's license, and all nonparticipating managers and members submit affidavits of nonparticipation as required by the Department; and
- every other member and employee who acts as a managing broker, broker or leasing agent holds the appropriate license.

No business entity may be granted a license if any nonparticipating owner or officer, nonparticipating partner or nonparticipating member or manager has previously been publicly disciplined by the Department resulting in that licensee being currently barred from real estate practice because of a suspension or revocation.

Generally, an entity applying for a license must submit:

- a signed and completed application on Division-approved forms;

- a Federal Employer Identification Number;
- a completed consent to examine and audit special accounts form;
- if an assumed name will be used, a copy of the filing or certificate authorizing the entity to do business;
- a completed real estate information form; and
- the required fees, as set forth in r. 1450.130.

The entity must meet all licensing requirements within one year after its original application date.

In addition to the generally required items listed above, a corporation must submit the following:

- the corporation's name and registered address;
- a list of the officers;
- each licensed officer's license number;
- a copy of the Articles of Incorporation;
- if applicable, a copy of the certificate of authority to transact business in Illinois;
- for unlicensed officers, affidavits of non-participation; and

- a list of all shareholders, the number of shares owned and each licensed shareholder's license number.

In addition to the generally required items listed above, a limited liability company must submit the following:

- the limited liability company's name and registered address;
- if member-managed, a list of members and the license number of each member who is a licensed broker or managing broker;
- if manager-managed, a list of managers and the license numbers of managers who are brokers or managing brokers;
- a copy of the Articles of Organization filed with the Illinois Secretary of State or, if a foreign limited liability company, a copy of application for admission endorsed by the Illinois Secretary of State;
- for unlicensed members, affidavits of non-participation.

In addition to the generally required items listed above, partnerships must submit the following:

- an application containing the partnership's name and business address, the general partners' names and each licensed general partner's broker's or managing broker's license number (licensed leasing agents may not be general partners); and
- an affidavit stating that the partnership was legally formed.

In addition to the generally required items listed above, limited partnerships or limited liability partnerships must submit the following:

- a letter of authority from the Illinois Secretary of State or, if a foreign limited partnership or limited liability partnership, a copy of the endorsed application for admission;
- a list of all partners and the broker or managing broker license number for any licensed partners; and
- for unlicensed partners, affidavits of non-participation.

See r. 1450.600 for additional details regarding the licensing of corporations, limited liability companies, partnerships and limited partnerships.

If a sponsoring broker maintains more than one office in Illinois, the sponsoring broker must apply for a branch office license for each office other than his or her principal place of business.

The fee for an initial license for a partnership, limited liability company or corporation is \$125, and the renewal fee is \$75 per year. A license issued to a corporation or an entity expires on October 31 of each even-numbered year.

ASSOCIATE (OR OTHER) BROKER QUALIFICATIONS

Managing Broker

Education

A managing broker applicant must have successfully completed a four-year high-school degree or its equivalency.

An applicant must complete at least 165 hours of education, 120 of which shall be the prelicensure and post-licensure hours required to obtain a broker's license and 45 additional hours must be completed within the year immediately preceding the filing of an application, which hours must focus on brokerage administration and management and residential leasing agent management and include at least 15 hours in the classroom or by live interactive webinar or online distance education courses.

The 45-hour prelicense managing broker course must include:

- a 30-hour Licensing, Operation, escrow and Management course; and
- a 15-hour Applied Management and Supervision course presented in the classroom or by live interactive delivery method consisting of any of the following: Dispute Resolution Situations, Escrow Procedures and Discipline Case Studies primarily dealing with the application of the above topics to the practice of licensed activities.

Service in "lower" category

An applicant must have been licensed at least two consecutive years out of the preceding three years as a real estate broker.

Waiver of qualifications for some professionals

The prelicense education requirements do not apply to applicants who are currently admitted and "in active standing" to practice law in Illinois.

The holder of an active managing broker's license, or its equivalent, issued by a state that has a reciprocal agreement with the Division may obtain licensure as a managing broker if:

- the standards of the applicant's home state for licensing as a real estate managing broker are substantially equivalent to or greater than the minimum standards in Illinois;
- the applicant maintains a definite place of business in his or her state of licensure;
- the applicant has been actively engaged in licensed activities as a managing broker or broker during the immediately preceding two years;
- the Division has a reciprocal agreement with that state;

- the applicant supplies official proof of licensure in good standing; and
- the applicant passes an approved test on Illinois specific real estate brokerage laws.

Annual fees and filings

The initial license fee is \$150; the renewal fee is \$100.

Applicant investigation

No specifically applicable provisions were located. However, the Division may consider the following in determining an applicant's moral character and whether to grant a license:

- that an applicant has been "convicted of or enter[ed] a plea of guilty or nolo contendere to forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other similar offense"; or
- that an applicant has been convicted of a "felony involving moral turpitude."

A real estate license applicant must answer any questions that the Division requires to determine his or her "good moral character" and competency to transact real estate business so as to safeguard the public's interests.

Examinations

An applicant for managing broker license must submit an application for examination, which must include proof of 165 hours in approved real estate courses. An applicant has two years following receipt of a passing examination score to submit an application with the Division and to meet all the requirements for licensure.

If the applicant fails the exam four times, the applicant must take the prelicense education requirement before taking the exam again.

Other prerequisites

An applicant for a broker's license must be at least 20 years of age.

A broker's license applicant must submit:

- a completed application;
- the required fee; and
- proof of completion of the educational requirements.

SALESPERSON OR AGENT QUALIFICATIONS

All existing salesperson licenses terminated on May 1, 2012.

SPECIALIST QUALIFICATIONS

Leasing Agents

Education

An applicant must have successfully completed high school, secondary school or an approved equivalent.

A leasing agent's license applicant must successfully complete 15 hours of instruction related to leasing residential real property. The courses must cover, among other topics, the following:

- the statutory provisions that apply to leasing agents;
- fair housing and human rights issues related to residential leasing;
- advertising and marketing;
- leases, applications and credit and criminal background;

- owner-tenant relationships and laws;
- handling funds; and
- residential real property environmental issues.

An applicant may apply successfully completed course work to the education requirements to obtain a broker's license.

Service in "lower" category

No specifically relevant provisions were located.

Waiver of qualifications for some professionals

"Nothing . . . shall be construed to require a licensed managing broker or broker to obtain a leasing agent license in order to perform leasing activities for which a license is required."

A person may conduct residential leasing activities for which a license is required for a period of 120 consecutive days without being licensed, as long as he or she is acting under the supervision of a sponsoring broker, the sponsoring broker has notified the Department that the person is pursuing licensure, and, effective January 1, 2018, "the person has enrolled in the leasing agent pre-license education course no later than 60 days after beginning to engage in residential leasing activities." See r. 1450.240 for details regarding 120-day student permit applications.

Annual fees and filings

A leasing agent renewal applicant must certify full compliance with the continuing education requirements. Effective January 1, 2018, ["t]he continuing education requirement for leasing agents shall consist of a single core curriculum to be established by the Department as recommended by the Board. Leasing agents shall be required to complete no less than 6 hours of continuing education in the core curriculum for each 2-year renewal period." The Division may require additional evidence showing continuing education compliance.

A leasing agent's license expires on July 31 of each even-numbered year.

Applicant investigation

All real estate licensees are subject to the same investigation provisions. (See "BROKER QUALIFICATIONS" above.)

Examinations

A residential leasing agent applicant must pass an authorized written examination that demonstrates the applicant's knowledge of the relevant statutory provisions and competence to engage in leasing-agent activities. An individual who passes the examination must file an application and meet all requirements for a leasing agent license within one year. If an individual fails the examination four times, he or she must repeat the education requirement.

Other prerequisites

A sponsoring broker must sponsor and employ licensed leasing agents, as evidenced by a valid sponsor card issued to the applicant. A sponsoring broker providing the sponsor card must comply with the requirements set forth in r. 1450.110.

A person who desires to obtain a leasing agent's license must:

- apply to Division in writing;
- pay all application and license fees;
- be at least 18 years of age;
- be of good moral character;
- have a high school degree or its equivalent;
- pass the authorized written examination;
- have completed the required 15 hours of instruction related to leasing residential real property;

- register a valid sponsorship with the Department; and
- complete any other requirements required by rule.

The application fee for an initial leasing agent license is \$75, and the renewal fee is \$50.

Sections amended 2019, except 20-50 enacted 2009 and 5-26 amended 2015; all regulations amended 2019, except 1450.210, 1450.210, 1450.400, 1450.440, 1450.520, and 1450.530 amended 2016.

[225 Ill. Comp. Stat. 454/5-5, -6, -7, -10, -15, -25, -26, -27, -28, -35, -45, -50, -60; 20-50 \(2019\); Ill. Admin. Code tit. 68, §§ 1450.110, .130, .140, .150, .205, .210, .240, .250, .400, .410, .420, .430, .440, .500, .510, .520, .530, .600, .1000, .1105 \(2019\)](#)

Indiana

Indiana, Continuing Education Approval

PROVIDER

General requirements

The [Indiana Real Estate Commission](#) ("Commission") must approve continuing education course sponsors, who must submit an application containing the information described in 876 Ind. Admin. Code 7-2-6.

Each continuing education course sponsor applicant must designate one individual as its school director who meets the requirements set forth in r. 7-2-11.

Approval applications

Applicants for sponsor approval who do not conduct broker prelicensing courses must submit the following information:

- the sponsor's name, address, and telephone and facsimile number and email address;
- the school director's name, address and resume;
- if owned by a partnership, the partners' names and addresses;
- if owned by a corporation, the officers' and directors' names and addresses; and
- if owned by a limited liability company, the members' and managers' names and addresses.

All continuing education course sponsor applicants must submit the following:

- a course content outline describing the subjects the sponsor will offer during the approval period, including learning objectives;
- the name and permit number of each instructor;
- a statement that the sponsor will provide successful licensees with a certificate of course completion;
- a statement that the sponsor will conduct an instructor and course evaluation and provide them to the Commission upon request; and
- an application fee of \$50.

Courses must be taught at adequate facilities.

Distance learning course approval

"Distance learning continuing education" means "education designed for licensed professional learners who choose to complete continuing education outside the normal classroom setting," and includes instruction offered "wholly or primarily by distance study, through virtually any media," including, but not limited to, printed materials, "communication technologies" and the Internet.

Generally, distance learning courses must meet the requirements set forth in rr. 7-6-3 and 7-6-4.

A student must complete a distance learning continuing education course within one year of his or her enrollment date.

Pursuant to r. 7-6-4, the Commission must approve a distance learning continuing education course if:

- the distance learning continuing education course protects the public "by contributing to the maintenance and improvement of the quality of the real estate services" provided by licensees;
- the provider has filed an appropriate and complete application;
- the course meets the content requirements set forth in r. 7-5-4;
- the course complies with other applicable regulatory sections; and
- the course meets all other requirements set forth in § 25-34.1-9 and the regulations.

Pursuant to r. 7-6-4, the provider must submit the following information (as each is described in more detail in the regulation):

- the provider's "mission and objectives";

- the course design;
- interactivity;
- course delivery;
- equipment and learning environment;
- student support services;
- evaluation and assessment; and
- commitment to support.

Continuing education courses by correspondence, video instruction and Internet continuing education courses must meet the following requirements:

- the course must provide a test, on which the participant must score at least 75 percent to receive credit;
- the test must have multiple choice questions with at least 20 questions for each two hours of instruction;
- the material's organization and presentation must be "in accord with sound principles of learning"; and
- the course must have "sufficient security to assure against fraudulent practices."

Video-instruction distance learning continuing education courses must also have "a monitor in the room at all times to assure proper attendance."

Internet CE courses must be timed so that students must be engaged for the entire time for which the course is approved and may not fast forward or speed through a course in less time.

Advertising

A person may advertise that a sponsor or its course is approved by the Commission and fulfills the Commission's requirements, but he or she may not advertise that the sponsor or its course is required or recommended by the Commission.

Student records

An approved continuing education sponsor must maintain for five years records of the participants who successfully pass the course. The Commission may inspect an approved sponsor's records.

The sponsor must also retain an attendance record for all courses showing date, place and attendees' names. The instructor must sign the record.

Certificates of completion

A sponsor must provide each participant who successfully completes an approved course a certificate that includes the following:

- the participant's name;
- the sponsor's name, address and signature;
- the number of approved credit hours;
- the program's date; and

- any other information the Commission requires.

Other submissions

A sponsor's approval for a broker's course expires on December 31 of each even-numbered year. A sponsor must submit a letter requesting renewal of approval and the required renewal fee by December 1.

The Commission must approve:

- any significant changes in the sponsor's operation before the change's effective date; and
- any change in the course outline before the course is offered or given.

CONTENT

The approved continuing education requirement generally consists of at least 12 hours per year in any of the following subjects as determined by the Commission:

- Indiana license and escrow law;
- anti-trust law;
- civil rights law;
- Indiana agency law;
- listing contracts and purchase agreements;

- ethics and professionals standards;
- settlement procedures;
- appraising;
- property management;
- farm property management;
- commercial brokerage and leasing;
- financing;
- residential brokerage;
- land development;
- legislative issues that affect real estate practice;
- environmental issues;
- time-shares, condominiums and cooperatives;

- investment real estate analysis; and
- other courses approved by the Commission.

The following courses do not qualify:

- prelicensing courses;
- exam preparation;
- sales meetings;
- in-house training sessions;
- "correspondence" (although this restriction appears inconsistent with the provisions discussed above that permit approval of certain correspondence courses); and
- motivational classes.

Once the Commission has approved a continuing education instructor and course outline, the instructor and outline are approved for all continuing education sponsors. A sponsor is responsible for ensuring that the Commission has previously approved the course outline.

MATERIALS

A sponsor must distribute a course outline to attendees, which must include the number of continuing education hours offered.

INSTRUCTOR QUALIFICATIONS

Continuing education and prelicensing course instructors must have a permit issued by the Commission. A permit is issued for three years, at which time it automatically expires if not renewed. The instructor must:

- be a licensed real estate broker or Indiana-licensed attorney, or an expert in the field working with a licensed broker or attorney; and
- annually complete four hours of Commission-approved continuing education specific to providing real estate instruction, which hours may be used toward the continuing education requirement for a broker.

Guest speakers are allowed if the instructor is present at all times and supervises the guest speaker. Guest speakers do not need an instructor permit.

PRIOR APPROVAL REQUIREMENTS

Approval timing

Sponsors of continuing education courses are considered approved as of the Commission's approval date, and courses "predating the approval date do not qualify."

The Commission must approve:

- any significant changes in the sponsor's operation before the change's effective date; and
- any change in the course outline before the course is offered or given.

Approval after class date

No provisions permitting approval after the class date were located. Courses "predating the

approval date do not qualify."

EXAMINATION

Examination requirements

No relevant provisions were located, other than those relating to distance learning, as described above.

Proctors

No relevant provisions were located.

Sections 25-34.1-9-12 through 25-34.1-9-16 enacted 1992; § 25-34.1-9-11 amended 2015; §§ 24-34.1-9-13 amended 2016; § 25-34.1-9-22 amended 2015; all regulations renumbered and amended 2014.

[Ind. Code §§ 25-34.1-9-11, -12, -13, -14, -15, -16 \(2019\); 876 Ind. Admin. Code 7-2-6, -7; 7-2-11-9, -12; 7-2-10, -14, -15; 7-5-3, -4; 7-6-1, -3 to -7 \(2019\)](#)

Indiana, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

An individual with an inactive license is not required to fulfill the continuing education requirements while the license is inactive, but must fulfill them before applying for reactivation.

The Commission may grant a renewal applicant who was unable to fulfill the continuing education requirements a waiver provided the applicant requests it in writing and was unable to fulfill the continuing education due to a hardship resulting from:

- service in the U.S. armed forces for one year or more of the three-year licensure period; or

- an "incapacitating illness" that prevented either part-time or full-time employment for at least 12 months of the three-year licensure period.

Waivers from the continuing education requirement are also available for licensees who are "affiliated with a principal broker for the sole purpose of making referrals to a licensed salesperson or broker." An individual with a waiver must pay the license renewal fee.

Required hours

Effective July 1, 2014 a broker must obtain at least 12 hours of continuing education per year over the three-year renewal period. A "continuing education year" is the one-year period between July 1 of one calendar year and June 30 of the following calendar year.

A 50-minute instruction period equals one hour. A licensee may not carry forward continuing education hours accumulated above the minimum requirement for a continuing education year to the next continuing education year. A licensee who attends the same approved continuing education course more than once in the same continuing education year may receive credit for only one course.

An instructor may receive broker continuing education credit for broker courses the instructor teaches and instructor CE credit for instructor courses he or she teaches, provided he or she may not:

- be credited for more than 12 hours of credit for instructing during any three-year licensure period;
- receive credit for repeated courses; or
- count instruction credit toward the continuing education specific to providing real estate instructors as required by Ind. Code §§ 25-34.1-5-13 and 35-34.1-9-22.

In order to reactivate an inactive license, the licensee must have obtained all continuing education that would have been required for renewal if the license had been active.

Minimum class length

A course must consist of at least a two-hour instruction period, and at least two and not more than eight hours of instruction may be offered in a one-day course, except that instruction for an approved distance learning continuing education program may consist of more than eight hours of instruction in a one-day course.

Subjects

The approved continuing education requirement generally consists of 12 hours per year in any of the following subjects as determined by the Commission:

- Indiana license and escrow law;

- anti-trust law;

- civil rights law;

- Indiana agency law;

- listing contracts and purchase agreements;

- ethics and professionals standards;

- settlement procedures;

- appraising;

- property management;
- farm property management;
- commercial brokerage and leasing;
- financing;
- residential brokerage;
- land development;
- legislative issues that affect real estate practice;
- other courses approved by the Commission relating to real estate practices that are designed to directly enhance the broker's knowledge and skill;
- environmental issues;
- time-shares, condominiums and cooperatives; and
- investment real estate analysis.

The following courses do not qualify:

- exam preparation;

- sales meetings;
- in-house training sessions;
- "correspondence" (although this restriction appears inconsistent with the regulatory provisions that permit approval of certain correspondence courses); and
- motivational classes or seminars.

Attendance requirements

A licensee may not receive any continuing education credit for a course unless he or she completes the entire course.

Online classes

"Distance learning continuing education" means "education designed for licensed professional learners who choose to complete continuing education outside the normal classroom setting" and includes instruction "wholly or primarily by distance study, through virtually any media," including, but not limited to, printed materials, "communication technologies" and the Internet. Distance learning courses must be approved by the Commission.

A student must complete a distance learning continuing education course within one year of his or her enrollment date.

Continuing education courses by correspondence, video instruction and Internet must meet the following requirements:

- the course must provide a test, on which the participant must score at least 75 percent to receive credit;

- the test must have multiple-choice questions with at least 20 questions for each two hours of instruction;
- the material's organization and presentation must be "in accord with sound principles of learning"; and
- the course must have "sufficient security to assure against fraudulent practices."

Courses taken via the Internet must be timed so that students must be engaged for the entire time for the course is approved and may not fast forward or speed through the course in less time.

An individual called to active duty must be allowed to fulfill all continuing education requirements by distance learning methods.

Other requirements

A licensee may apply for and receive an inactive license. An individual with an inactive license:

- may not perform an act that requires a license;
- is not required to fulfill the continuing education requirements while the license is inactive;
- must pay any fees that a licensee is required to pay; and
- must fulfill the continuing education requirements for the current licensing period before applying for reactivation.

A renewal applicant must certify on the application that he or she has complied with the continuing education requirements.

Each licensee must retain sponsor course attendance verification to support the courses he or she has taken for four years after the end of the biennial licensing period.

MANAGING BROKER REQUIREMENTS

A managing broker must complete 12 hours of CE each year. At least four hours must be dedicated to the necessary business and management skills and legal knowledge needed by a managing broker. This four-hour requirement applies to any continuing education year during which the broker functions as a managing broker for any time period.

SALESPERSON REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

The Commission no longer issues a new salesperson license. An individual who holds a salesperson's license may not, after June 30, 2014, sell, buy, trade, exchange, option, lease, rent, manage, list, or appraise real estate or negotiate or offer to perform any of those acts in Indiana or with respect to real estate situated in Indiana for consideration without a broker's license.

To obtain a broker's license, an individual holding a license as a salesperson on or after June 30, 2012, must:

- complete at least 24 hours of an approved broker course of study, described in Ind. Code § 25-34.1-5-5, which may be acquired at any time after June 30, 2012, and before July 1, 2014, or any time; and
- except for the requirement of a high school or GED diploma, meet the requirements to be licensed as a broker under Ind. Code § 25-34.1-3-4.1.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Sections 25-34.1-9-17 and -18 enacted 1992; § 25-34.1-9-10 amended 2013, § 25-34.1-9-11 amended 2015; § 25-34.1-3-10 amended 2013; §§ 25-34.1-9-19 amended 2011 (technical amendment); § 25-34.1-4.5-5.5 enacted 2013; § 25-1-4-3.2 amended 2016; all regulations renumbered and amended 2014.

[Ind. Code §§ 25-1-4-3.2; 25-34.1-3-10; -9-10, -11, -17, -18, -19 \(2019\); 876 Ind. Admin. Code §§ 7-2-2; 7-5-1, -2, -5, -6. 7-6-1, -2, -5, -6, -7; 7-7-1 \(2019\)](#)

Indiana, Licensing Categories

BROKER

A "broker" is a person, including a partnership or corporation, "who, for consideration, sells, buys, trades, exchanges, options, leases, rents, manages, lists, or appraises real estate or negotiates or offers to perform any of those acts," and, effective July 1, 2014, "is acting in concert with and under the auspices of a managing broker." Effective July 1, 2015, the definition states "under the auspices of a managing broker and broker company." The regulatory definition also includes "refers" to this list of acts.

BROKER-SALESPERSON

A "broker-salesperson" is "an individual broker who is acting in association with and under the auspices of another broker." However, a broker-salesperson does not appear to constitute a separate licensing category. A broker-salesperson is "subject to all rules and regulations applying to salespersons in association with a principal broker."

Effective July 1, 2014, a broker-salesperson's license becomes a broker's license.

SALESPERSON

A "salesperson" is "an individual, other than a broker, who, for consideration and in association with and under the auspices of a broker, sells, buys, trades, exchanges, options, leases, rents, manages, or lists real estate or negotiates or offers to perform any of those acts."

Effective July 1, 2014, a salesperson's license becomes a broker's license.

SPECIALIST CATEGORIES

Managing broker

A "managing broker" is a broker whom the Real Estate Commission holds responsible for the actions of licenses affiliated with the managing broker.

Statutory section amended 2015.

[Ind. Code § 25-34.1-1-2 \(2019\)](#)

Indiana, Licensing Exemptions

Indiana's real estate licensing requirements do not apply to the following:

- an attorney practicing law;
- a public official acting as authorized by law;
- a "receiver, executor, administrator, commissioner, trustee, or guardian, respecting real estate owned or leased by the person represented, performed pursuant to court order or a will";
- rentals, for periods of less than 30 days by a commercial hotel, motel, tourist facility or similar establishment;

- rental of residential apartment units by an individual that a licensed broker employs or supervises;
- rental of apartment units owned and managed by a person whose only regulated activities are related to a maximum of 12 apartment units located on a single or contiguous parcels;
- referrals of real estate business by a broker, salesperson or referral company licensed in another state to or from Indiana licensees;
- acts performed by a person related to real estate he or she owns, unless that person is licensed;
- "acts performed by a regular, full-time, salaried employee" of a person related to real estate owned or leased by that person, unless the employee is licensed;
- a sale at public auction by a licensed auctioneer;
- evaluation of real property by an employee, officer, director or member of a credit or loan committee of a financial institution in a transaction for which the institution would not be required to use a licensed appraiser's services under federal regulations;
- the transfer of cemetery lots; and
- the acts of certain brokers or salespersons who are licensed in another state, except that the person must comply with the requirements of § 25-34.1-35(c).

Section 25-34.1-3-2 amended 2016; § 25-34.1-3-11 amended 2012.

[**Ind. Code §§ 25-34.1-3-2, -11 \(2019\)**](#)

Indiana, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

Ind. Code § 25-34.1-5-5(b) provides that the required broker's curriculum must consist of at least 90 hours of instruction and must include the following subjects:

- Indiana licensing laws and professional standards;
- principles;
- practices;
- agency law;
- contracts;
- financing;
- settlement procedures;
- escrow responsibility;
- record-keeping;

- government regulations; and

- appraising.

Indiana regulations provide a detailed outline of the specific topics which must be covered during the 90 hours and the time to be devoted to each. See 876 Ind. Admin. Code 6-4-1 (2016). The required examinations may count toward up to six of the required hours.

A student who does not attend at least 80 percent of the required hours may not complete the course.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

The [Real Estate Commission](#) may waive the one-year experience requirement "upon a finding of equivalent experience." To qualify for a waiver, a broker's license applicant must have at least two years of experience during the previous five years as a salesperson or broker.

The Commission may "waive the licensing requirements for individuals of or moving from other jurisdictions" who meet the specified reciprocity requirements.

An individual who has taught an approved broker course and who subsequently applies for a broker license is deemed to have successfully completed the course.

The Commission must issue a broker license to a military service applicant to allow the applicant to practice the applicant's occupation in Indiana if, upon application to the Commission, the applicant satisfies the conditions: set forth in Ind. Code § 25-1-17-4. Similarly, the Commission must issue a broker license to a military spouse if the conditions specified in Ind. Code § 25-1-17-5 are satisfied. The Commission may also issue a temporary practice permit or provisional license to a military service applicant or to a military spouse who is licensed, certified, registered or issued a permit in

another jurisdiction while the military service applicant or military spouse is satisfying certain requirements, as determined by the Commission, for a license.

The Commission must expedite the issuance or renewal of a license of a military spouse whose husband or wife is assigned to a duty station in Indiana.

Annual fees and filings

Effective July 1, 2013, licenses expire every three years. A renewal applicant must submit an application and pay the \$60 renewal fee on or before the renewal date. If the licensee does not renew the license by the specified date, the license expires. If a broker fails to reinstate a license within three years after its expiration, the broker must again comply with the requirements of § 25-34.1-3-4.1(a)(4), (a)(5) and (a)(6).

A licensee must also notify the Commission immediately of any "change of name, name under which the licensee transacts business, business address, or association."

A license-renewal applicant must certify on the application that he or she has complied with the continuing education requirements. The applicant must complete the approved education requirement before the end of each renewal period.

A licensee must pay:

- the prescribed renewal fee;
- a \$10 fee for the investigative fund; and
- a surcharge for an initial or renewal license if the total amount in the real estate recovery fund is less than \$450,000 on June 30 in an odd-numbered year.

Applicant investigation

No specifically relevant provisions were located. However, a broker's license applicant must not have a conviction for:

- an act that would constitute a ground for disciplinary sanction;
- a "crime that has a direct bearing on the individual's ability to practice competently"; or
- a "crime that indicates the individual has the propensity to endanger the public."

Examinations

A broker course must have three written examinations, each of which must consist of 100 questions. A student must pass a total of 225 points from the three examinations to pass the broker course.

An applicant must also pass a broker examination, which is divided into two sections: general real estate practices and Indiana licensure law. Applicants for reciprocity licenses need pass only the Indiana licensure section of the exam. The exam is electronically administered, but individuals who are unable to take the electronically administered examination because of a disability may apply to take a paper version. To pass the exam, an applicant must attain a score of at least 75 percent on each section. If an applicant passes only one section, he or she is credited for that section and is generally not required to retake that section.

An applicant who does not pass the applicable examination within one year of completing his or her prelicensing course must again comply with the educational requirements before retaking the examination.

Postlicensing education

An individual who applies for a broker's license after June 30, 2014 must, during the first two years of licensure take and pass at least 30 hours of postlicensing education focused on the practical matters of real estate transactions, instead of the continuing education requirements. The required topics of the Commission-approved broker postlicensing course, and time that must be devoted to those topics, are set forth in 876 Ind. admin. Code 7-4-3.

Other prerequisites

To obtain a broker license, an individual must:

- be at least 18 years of age before applying;
- have a high school diploma or GED;
- not have a conviction for an act that would constitute a ground for disciplinary sanction or certain crimes;
- have successfully completed an approved broker course;
- have submitted a completed application and the appropriate fees;
- pass a written examination; and
- within one year after passing the examination, submit the license fee.

A licensee must pay:

- the prescribed original \$60 application fee;
- a \$10 fee for the investigative fund; and
- a surcharge for an initial or renewal license if the total amount in the real estate recovery fund is less than \$450,000 on June 30 in an odd-numbered year.

Corporate and other entity licenses

To obtain a broker license, a partnership must:

- have only licensed brokers as partners;
- have at least one partner who qualifies as a managing broker under §§ 25-34.1-4-3 or 25-34.1-4-0.5;
- cause each employee who acts as a broker to be licensed; and
- submit the appropriate license fee of \$50 and an application setting forth the name and residence address of each partner and the other information that all brokers must submit.

To obtain a broker's license, a corporation must:

- have a licensed broker who qualifies as a managing broker under §§ 25-34.1-4-3 or 25-34.1-4-0.5;
- cause each employee who acts as a broker to be licensed;
- submit the appropriate license fee of \$50;
- submit an application setting forth the name and residence address of each officer and the other information that brokers must submit;
- submit a copy of the certificate of incorporation; and

- submit a certificate of good standing issued by the Secretary of State.

To obtain a broker's license, a limited liability company must:

- if it is a member-managed limited liability company, have as members only licensed brokers and have at least one member who qualifies as a managing broker under §§ 25-34.1-4-3 or 25-34.1-4-0.5;
- if it is a manager-managed limited liability company, have a licensed broker who qualifies as a managing broker under §§ 25-34.1-4-3 or 25-34.1-4-0.5;
- cause each employee who acts as a broker to be licensed;
- submit the appropriate license fee of \$50; and
- submit an application setting forth the name and residence address of each member, manager or officer, as applicable, and the other information that brokers must submit.

MANAGING BROKER QUALIFICATIONS

To become a managing broker, an individual must hold an active broker license for at least two years and pass at least 24 hours of Commission-approved broker management courses.

A managing broker must be an Indiana resident, unless none of the licensees associated with the managing broker's broker company are residents of Indiana, in which case the managing broker may be a nonresident.

Otherwise, a managing broker is subject to the same requirements as a broker except that four of the 12 hours of annual continuing education taken by a managing broker must include at least four

hours dedicated to "the necessary business and management skills and legal knowledge needed by a managing broker."

SALESPERSON QUALIFICATIONS

Indiana no longer licenses real estate salespersons.

SPECIALIST QUALIFICATIONS

No relevant provisions were located.

Sections 25-34.1-3-6, -5-5, -9-10 amended 2012; § 25-34.1-7-2 amended 1991; § 25-34.1-3-5 amended 2015; § 25-34.1-3-4.1 amended 2015; §§ 25-1-17-4, -5, -11 enacted 2012; § 25-1-17-11 amended 2017; all regulations renumbered and/or amended 2014.

[Ind. Code §§ 25-1-17-4, -5, -8, -11; 25-34.1-3-4.1, -5, -6; -5-5; -7-2; -9-10 \(2019\); 876 Ind. Admin. Code 5-3-1; 6-4-1, -3, -4; 6-6-1, -2, -3; 7-4-2, -3, -4 \(2019\); Updated Fee Schedule](#)

Iowa

Iowa, Continuing Education Approval

PROVIDER

General requirements

The [Iowa Real Estate Commission](#) ("Commission") must approve, in advance, all prelicense and continuing education schools, courses and instructors. The approval is valid for 24 months. An instructor must obtain approval for each course he or she proposes to teach.

In addition to courses approved directly by the Commission, the following are acceptable for continuing education credit:

- credits earned in a state that has a continuing education requirement if the course is approved by that state's real estate licensing board for renewal credit, except that state-specific courses are not acceptable; and
- courses sponsored by the National Association of Realtors or its affiliates.

Approval applications

An approval application must designate an individual as the school's coordinator, who is in "responsible charge" of its operation and will be the Commission's contact. The coordinator is responsible for complying with the Commission's rules relating to schools and for submitting reports and information to the Commission.

Distance learning courses

"Distance learning" is a "planned teaching/learning experience with a geographic separation of student and instructor that utilizes a wide spectrum of technology-based systems, including computer-based instruction, to reach learners at a distance," including home-study courses. The Commission may approve distance education courses that meet the following requirements:

- the provider's "purpose or mission statement is available to the public";
- the course outline includes "clearly stated learning objectives and desired student competencies" for each instruction module and a "description of how the program promotes interaction between the learner and the program";
- the course content is "accurate and up-to-date";
- the provider describes its plan to update course material;
- the course evaluates student progress and ensures that the student masters the material before he or she can progress through the course material;

- "qualified individuals" designed the course;
- the provider lists individuals who provide technical support, stating specific times when support is available;
- a manual is provided to each registered student;
- the provider retains a statement signed by the student affirming that he or she completed the required work and examinations;
- the provider states in the course materials that the course information should not be used as a substitute for competent legal advice; and
- the courses are "sufficient in scope and content to justify the hours requested."

Courses approved by the Association of Real Estate License Law Officials are automatically approved.

A student must complete all computer-based continuing education courses within six months of the purchase date. Students completing distance learning continuing education must complete a final examination containing 10 questions for a one-hour course, 20 questions for a two-hour course, 30 questions for a three-hour course, 40 questions for a four-hour course, and 60 questions for a six- or eight-hour course. A passing score of 80 percent is required. There is no limit to the number of times a final examination may be taken to achieve a passing score.

Paper-and-pencil home-study courses

The Commission may approve paper and pencil home-study courses that meet the following requirements:

- the course is arranged in chapter format and includes a table of contents;

- each chapter contains an overview statement;
- the course evaluates student progress at appropriate intervals, the assessment process measures what each student has learned at regular intervals, and the student is required to complete and return quizzes to the provider;
- the course's final examination contains 10 questions for a one-hour course, 20 questions for a two-hour course, 30 questions for a three-hour course, 40 questions for a four-hour course, and 60 questions for a six- or eight-hour course; and
- a passing score of 80 percent is required.

A licensee has six months from the purchase date to complete all quizzes and assignments and to pass the final exam.

The provider must:

- clearly inform the licensee of the course completion deadline, the required passing score, quiz requirements and any other relevant information;
- state in the course materials that the information presented may not be used as a substitute for competent legal advice;
- retain a statement signed by the student affirming that he or she completed the required work and examinations; and
- be available to answer student questions or provide assistance during business hours.

Courses must "be sufficient in scope and content to justify" the requested hours.

Advertising

An approved school:

- may not provide information to the public or to prospective students that is "misleading in nature"; and
- must inform potential participants of the number of credit hours and policies concerning registration, fee payments, refunds and attendance.

Student records

An approved school must maintain for each student for at least five years a "complete, accurate and detailed record of instruction undertaken and satisfactorily completed."

The licensee is responsible for maintaining records that support the continuing education claimed and the validity of the credits. He or she must retain the documentation for three years after the renewal's effective date.

Certificates of completion

An approved school must provide an individual certificate of attendance to each licensee upon completion of the program, course or activity. The certificate must contain the following:

- the school's name and number;
- the program, course or activity name and number;
- the licensee's name and address;
- the date the program, course or activity was completed;

- the approved credit hours;
- the coordinator's signature; and
- an indication of whether the credit hours are to be used as distance learning or live instruction.

Salespersons taking broker prelicense courses may request two certificates, one for prelicense course credit and one for continuing education course credit. The attendance certificate:

- may be no larger than 8 1/2" × 11";
- may not be issued to a licensee who is absent from a continuing education program, course, or activity, and a student who arrives late, leaves during class or leaves early may not receive an attendance certificate; and
- must include the school's reference numbers.

Other submissions

A school must show that it has procedures to ensure that the student who completes a course is the student who enrolled in the course.

An approved school may not use the designation of "college" or "university" "in such a way as to give the impression that it is an educational institution conforming to the standards and qualifications prescribed for colleges and universities" unless it meets those standards and qualifications.

The commission may approve live classroom instruction, distance-education programs and paper-and-pencil home-study courses that meet the following conditions:

- the course must pertain to real estate topics that are "integrally related to the real estate industry";

- the course must allow its participants to "achieve a high level of competence" in serving consumers' objectives; and
- the course must qualify for at least one credit hour.

A course application for a live classroom course must be accompanied by a comprehensive course outline that includes:

- a course description;
- the course's purpose;
- the difficulty level;
- the "detailed learning objectives" for each major topic;
- a description of the instructional methods;
- copies of all instructor and student course materials;
- course examinations or "diagnostic assessment" methods;
- a description of the plan to update the course; and
- any attendance make-up policy.

CONTENT

The Commission will consider for approval courses in the following areas:

- real estate ethics;
- legislative issues that influence real estate practice;
- real estate licensing, financing, market analysis, evaluation, brokerage administration and mathematics;
- real property management;
- real property exchange;
- land use planning and zoning;
- real estate securities and syndications;
- estate building and portfolio management;
- real property-related accounting and taxation;
- land development;
- market analysis;

- "real estate market procedures"; and
- technology and the practice of real estate.

The Commission may also approve a course topic if it includes "facts, concepts and current information about which licensees must be knowledgeable to conduct real estate negotiations and transactions and better protect client, customer and public interest."

The following do not qualify for continuing education credit:

- courses designed to prepare a student for passing the real estate salesperson exam;
- sales promotion or other meetings related to a licensee's general business;
- course time devoted to meals;
- a course certified by using a "challenge examination";
- meetings that are a normal part of in-house staff or employee training; or
- licensee orientation courses, such as those offered through local real estate boards.

MATERIALS

Instructor and student materials must be updated no later than 30 days after the effective date of any change in standards, laws or rules.

All courses must obtain written evaluations from the participants, which evaluations must include relevance, effectiveness of presentation and course content.

See "PROVIDER APPROVAL" above for specific materials that must be included in distance education and paper-and-pencil home-study courses.

INSTRUCTOR QUALIFICATIONS

An instructor must:

- be "competent in the subject matter and skilled in the use of appropriate teaching methods that have been proven effective through educational research and development"; and
- attend workshops or instructional programs, as requested by the Commission, to ensure he or she is using effective teaching techniques and teaching current, relevant and accurate information.

The Commission may approve an individual to teach prelicense and continuing education if they have:

- shown proof of attendance at an approved instructor development workshop within 12 months preceding approval; and
- met the instructor qualification criteria.

Guest speakers and individuals currently certified by a nationally recognized organization that requires similar instructor standards are exempt, with the Commission's prior approval, from the instructor qualification criteria and development workshop requirements.

An instructor applicant must demonstrate the ability to teach by holding at least one of the following:

- a bachelor's degree or higher in education from an accredited college;
- a current teaching certificate;

- a certificate of completion from an approved real estate instructor institute, workshop or school and experience in the area of instruction;
- a full-time current appointment to the faculty of an accredited college; or
- a current teaching designation from an approved organization.

An instructor applicant must also demonstrate "in-depth knowledge of the subject matter" by meeting one of the following requirements:

- holding a bachelor's degree or higher from an accredited college with a major in a field directly related to the course the applicant proposes to teach;
- holding a bachelor's degree or higher from an accredited college and having five years' real estate experience directly related to the course the applicant proposes to teach;
- being a licensed attorney who has practiced for at least three years in an area directly related to the course the applicant proposes to teach;
- being a "highly qualified professional with a generally recognized professional designation," not including GRI, and having two years' education from a postsecondary institution;
- having "extensive instructional background in real estate education and experience in real estate," as indicated by a valid broker's license or five years' active real estate experience as a salesperson, plus three recently written letters of recommendation; or
- other requirements, as determined by the Commission.

PRIOR APPROVAL REQUIREMENTS

Approval timing

The course outline and all required forms must be submitted for approval at least 30 days before the program is first offered.

A licensee seeking credit for attendance and participation in a continuing education activity that is to be conducted by a school not otherwise approved may apply to the Commission at least 21 days before beginning the activity. The application for prior approval must include:

- the school, organization or person conducting the activity;
- its location;
- the course title and a brief description of activity, or title and course outline;
- the requested credit hours;
- the activity's date; and
- the principal instructors.

Approval after class date

No provisions permitting a course provider to obtain approval after the class date were located.

A course participant may request "postapproval" of a course, by submitting an application that includes the following information:

- the school, firm, organization or person conducting the activity;

- the activity's location, title and description and course outline;
- the requested credit hours;
- the activity's date;
- the principal instructors; and
- attendance verification.

EXAMINATION

Examination requirements

A live classroom course application must be accompanied by a comprehensive course outline that includes, among other things, the course examinations or "diagnostic assessment" methods.

Proctors

No relevant provisions were located.

Regulatory chapter 193E3.4 amended 2008; chapter 193E-17 amended 2013; ch. 193E-16 amended 2018; r. 193E-4.4 amended 2017; r. 193E-17.5 amended 2013; rr. 193E-17.10 and -17.11 amended 2018.

[Iowa Admin. Code r. 193E-3.4; -4.4; -16.1, .4, .5, .11; -17.1, .5, .6, .7, .8, .9, .10, .11, .12 \(2019\)](#)

Iowa, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

A broker may "satisfy all continuing education deficiencies by taking and passing the real estate broker examination." An authorization letter must be obtained from the Commission prior to scheduling the examination with the examination administrator. If a broker passes the broker examination during the six months immediately before the license's expiration date, the broker may substitute the examination score report for the required continuing education credits for the current license term and satisfy all previous deficiencies.

A license may be renewed to inactive status without the required continuing education. Before reactivating an inactive license, a licensee must complete all deficient continuing education hours, provided the continuing education hours may not exceed the number of hours required in one license renewal period and must be completed during the three years preceding activation of the license.

Nonresident licensees need not comply with Iowa continuing education requirements if an education agreement is in place between Iowa and the nonresident state.

A licensee who is not able to attend educational offerings because of a disability and who meets the definition of a person with a disability found in the Americans with Disabilities Act may "make a written request to the commission setting forth an explanation and verification of the disability."

Required hours

Each broker or broker associate must complete at least 36 hours of approved programs, courses or activities during the three calendar years of the license term. The licensee may not carry over credits to another license term. Brokers and broker associates must complete approved courses as follows:

- "law update" for 8 hours;
- ethics for 4 hours; and

- electives for 24 hours.

During each three-year renewal period, a licensee may take a course for credit only once, and may repeat a course for credit only if the course numbers and instructors are different.

An "hour" means 50 minutes of instruction.

See "Licensing Prerequisites" for educational requirements that apply to the first year of licensure.

Brokers may take up to 24 hours of the salesperson's prelicense courses as continuing education. A broker may take broker prelicense courses as continuing education, except a newly licensed broker cannot use "as continuing education credits from the prelicense courses taken to qualify for the broker license."

Commission-approved instructors may receive up to six hours of continuing education credit for attending an approved instructor development workshop. However, the instructor may use that continuing education credit only once during each three-year renewal period. Instructors may also receive up to six hours of continuing education credit for approved education courses that the instructor teaches in any three-year license renewal period.

Minimum class length

Live classroom instruction, distance learning programs and paper-and-pencil home-study courses must qualify for at least three credit hours.

Subjects

Broker and broker associate courses must cover law updates (8 hours), ethics (4 hours) and electives (24 hours). (See "Continuing Education Approval" for a list of specific topics that the Commission may approve.)

Attendance requirements

Successful completion of a continuing education course requires full-time attendance, and a student who arrives late, leaves during class or leaves early will not receive an attendance certificate.

Online classes

A licensee may take a maximum of 24 hours of continuing education by correspondence or home-study during each three-year renewal period. A student must complete all computer-based continuing education and prelicense courses within six months of the purchase date.

Other requirements

Brokers who fail to renew their real estate license before its expiration are not authorized to practice as real estate brokers, and the termination of a broker's authority to practice automatically terminates the authority of all salespersons that are employed by or assigned to that broker.

Brokers may renew electronically or by submitting a written application.

The Commission will grant an application to renew a broker's license if:

- the Commission receives the licensee's application by December 31 or within the 30-day grace period;
- the application is accompanied by the appropriate fees;
- the application is complete, with all necessary information, including information regarding the required continuing education and errors and omissions insurance; and
- the application fails to reveal any grounds for license denial.

An inactive or suspended broker's license expires if it is not timely renewed.

In addition to courses directly approved by the Commission, the following are acceptable for continuing education credit:

- credits earned in a state that has a continuing education requirement approved by that state's real estate licensing board, except that state-specific courses are not acceptable; and
- courses sponsored by NAR or its affiliates.

BROKER ASSOCIATES REQUIREMENTS

Broker associates and brokers are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SALESPERSON OR AGENT REQUIREMENTS

Exemptions

A salesperson may satisfy all continuing education deficiencies by passing the salesperson's examination. An authorization letter must be obtained from the Commission prior to scheduling the examination with the examination administrator. If a salesperson passes the salesperson's examination during the six months immediately preceding his or her license's expiration date, he or she may substitute the examination score report for the required continuing education credit hours for the current license term, satisfying all previous deficiencies.

A salesperson who is "otherwise qualified to be a broker and who passes the broker licensing examination" need not furnish evidence of continuing education credits earned as a salesperson.

A salesperson license renewed without the required continuing education is renewed to inactive status. Before reactivating an inactive license, a licensee must complete all deficient continuing education hours, provided the maximum continuing education hours may not exceed the number of hours required during one license renewal period and must be completed during the preceding three calendar years.

Nonresident licensees need not comply with Iowa continuing education requirements if an education agreement is in place between Iowa and the nonresident state.

A licensee who is not able to attend educational offerings because of a disability and who meets the definition of a person with a disability found in the Americans with Disabilities Act may "make a written request to the commission setting forth an explanation and verification of the disability."

Required hours

A salesperson must complete at least 36 hours of approved continuing education programs, courses or activities during the three calendar years of the license term. The licensee may not carry over credits to another license term. Renewing salespersons must satisfy the following first license renewal continuing education requirement:

- "Developing Professionalism and Ethical Practices" for 12 hours;
- "Buying Practices" for 12 hours; and
- "Listing Practices" for 12 hours.

A licensee must complete at least 36 hours of approved courses as follows during the three calendar years of subsequent license terms:

- "law update" for 8 hours;
- ethics for 4 hours; and
- electives for 24 hours.

Salespersons may take up to 24 hours of the salesperson's prelicense and postlicense courses as continuing education. However, a newly licensed salesperson may not use credits from the salesperson's prelicense course to meet the continuing education requirement of his or her first renewal term. Also, a salesperson who takes broker prelicense courses may apply them as continuing education for renewing the salesperson license and use them as prelicense credit to qualify for a broker license.

During each three-year renewal period, a licensee may take a course for credit only once, and may repeat a course for credit only if the course numbers and instructors are different.

An "hour" means 50 minutes of instruction.

Commission-approved instructors may receive up to six hours of continuing education credit for attending an approved instructor development workshop. However, the instructor may use that continuing education credit only once during each three-year renewal period. Instructors may also receive up to six hours of continuing education credit for approved education courses that the instructor teaches in any three-year license renewal period.

All salespersons must complete a minimum of 36 hours of approved courses during the three calendar years of the license term. Hours cannot be carried over to another license term. Approved courses in the following subjects must be completed to renew to active status:

- Law Update (8 hours);
- Ethics (4 hours); and

- Electives (24 hours).

Minimum class length

Live classroom instruction, distance-education programs and paper-and-pencil home-study courses must qualify for at least three credit hours.

Subjects

First-time salesperson courses must cover "developing professionalism and ethical practices" (12 hours), buying practices (12 hours) and listing practices (12 hours). Other licensees continuing education courses must cover law updates (8 hours), ethics (4 hours) and electives (24 hours).

See "Continuing Education Approval" for a list of specific topics that the Commission may approve.

Attendance requirements

Successful completion of a continuing education course requires full-time attendance, and a student who arrives late, leaves during class or leaves early will not receive an attendance certificate.

Online classes

Effective September 2, 2009, a licensee may take a maximum of 24 hours of continuing education by correspondence or home-study during each three-year renewal period. A student must complete all computer-based continuing education and prelicense courses within six months of the purchase date.

Other requirements

Salespersons may renew electronically or by submitting a written application.

The Commission grants an application to renew a salesperson's license if:

- the Commission receives the licensee's application by December 31, or within the 30-day grace period;
- the application is accompanied by the appropriate fees;

- the application is complete with all necessary information, including information regarding the required continuing education and errors and omissions insurance; and
- the application fails to reveal any grounds for denial.

An inactive or suspended license expires if it is not timely renewed.

In addition to courses directly approved by the Commission, the following are acceptable for continuing education credit:

- credits earned in a state that has a continuing education requirement approved by that state's real estate licensing board, except that state-specific courses are not acceptable; and
- courses sponsored by NAR or its affiliates.

A licensee seeking credit for attendance and participation in a continuing education activity that is to be conducted by a school not otherwise approved by the Commission may apply for approval at least 21 days before beginning the activity. A licensee may also apply for post-approval of a course or an activity.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Regulatory chapter 193E-3 amended 2017; chapter 193E-4 amended 2017; chapter 193E-16 amended 2018; 193E-17 amended 2018; ch. 193E-7 amended 2018; ch. 193E-5 amended 2011.

[Iowa Admin. Code r. 193E-3.4, .5; -4.4, .5; -5.10; -7.1; -16.1, .4, .6, .7, .9, .10, .11; -17.4, .7 \(2019\); Continuing Education Requirements \(last visited Nov. 3, 2019\); Reciprocity Licensing \(last visited Nov. 3, 2019\)](#)

Iowa, Licensing Categories

BROKER

A "broker" is a person acting for another for compensation, who engages in any of the following:

- "sells, exchanges, purchases, rents, or leases real estate";
- "lists, offers, attempts, or agrees to list real estate";
- advertises oneself as being engaged in the real estate business;
- "negotiates, or offers, attempts, or agrees to negotiate" real estate;
- deals in real estate options;
- "collects, or offers, attempts, or agrees to collect" real estate rent;
- procures prospects;
- assists or directs in negotiating any transaction intended to result in the "sale, exchange, purchase, rental, or leasing of real estate";
- prepares real estate offers, purchase agreements, listing contracts, agency disclosures, residential and agricultural rental agreements, commercial rental agreements of one year or less, and groundwater hazard statements.

BROKER ASSOCIATE

A "broker associate" is "a person who has a broker's license but is licensed under, and employed by or otherwise associated with, another broker as a salesperson."

SALESPERSON

A "salesperson" is a person "who is licensed under, and employed by or otherwise associated with, a real estate broker, as a selling, renting, or listing agent or representative of the broker."

SPECIALIST CATEGORIES

No relevant provisions were located.

Section 543B.6 amended 1981; § 543B.3 amended 2002; 543B.5 amended 2013; regulatory section promulgated 2002.

[Iowa Code § 543B.3, .5, .6 \(2019\)](#); [Iowa Admin. Code r. 193E-15.1 \(2019\)](#)

Iowa, Licensing Exemptions

Chapter 543B, which contains Iowa's licensing statutes, does not apply to the "sale, exchange, purchase, rental, lease, or advertising" of real estate in any of the following cases:

- a person who, as the owner, the owner's spouse, a general partner, lessor, or prospective purchaser and who does not make repeated similar transactions (or through another engaged by that person on a regular full-time basis), buys, sells, manages, or otherwise performs a real estate act on property that person owns, rents, leases or will acquire;
- an attorney-in-fact acting on behalf of the owner or lessor, except not including a person who, in the regular course of a property management or brokerage business, makes similar repeated and successive transactions for compensation;
- a licensed attorney admitted to practice in Iowa whose acts are incident to the practice of law;
- a receiver, bankruptcy trustee, administrator, executor or guardian;
- a person acting under court order or the authority of a deed of trust, trust agreement or will;

- an auctioneer conducting certain public sales or auctions, provided that, among other things, a broker is present;
- an isolated real estate rental transaction by an owner's representative on behalf of the owner, provided it is not made in the course of repeated and successive similar transactions;
- a time-share sale;
- a resident manager who resides in the dwelling and is engaged in leasing real property in connection with his or her employment;
- a government officer or employee conducting his or her official duties;
- a person employed by a public or private utility, performing an act with reference to property the utility owns, leases or is to acquire, provided the act is in the regular course of managing and investing in the property; and
- a licensee's nonlicensed employee who provides information to another licensee concerning real estate, provided the employer licensee provided the information to the employee.

Section amended 2013.

[Iowa Code § 543B.7 \(2019\)](#)

Iowa, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

Iowa Code § 543B.15(8), as set forth in the state's code as available on the Internet, provides that a

real estate broker's license applicant must complete at least 60 contact hours of Commission-approved real estate education within 24 months before taking the broker examination, which education must be in addition to the required salesperson's prelicense course. However, until January 1, 2020, regulation 193E-16.3(1) requires a real estate broker's license applicant to complete at least 72 classroom hours of Commission-approved real estate education within 24 months before taking the broker examination, which education must be in addition to the required salesperson's prelicense course.

Beginning January 1, 2020, the required course of study to take the broker examination shall consist of at least 60 classroom hours. Approved courses must be completed within 24 months prior to the applicant's taking the broker examination and must include the following subjects:

- Contract Law and Contract Writing (6 hours);
- Iowa Real Estate Trust Accounts (6 hours);
- Principles of Appraising and Market Analysis (6 hours);
- Real Estate Law and Agency Law (6 hours);
- Real Estate Finance (6 hours);
- Federal and State Laws Affecting Iowa Practice (6 hours);
- Real Estate Office Organization, Administration and Human Resources (12 hours);
- Real Estate Technology and Data Security (6 hours); and
- Ethics and Safety Issues for Brokers (6 hours).

Post-licensing educational requirements

All persons applying for a broker's license during their first license renewal term must complete a 36-hour salesperson's post-license course, which must include:

- 12 hours of "Developing Professionalism and Ethical Practices";
- 12 hours of "Buying Practices"; and
- 12 hours of "Listing Practices."

Effective January 10, 2018, this requirement no longer applies.

Service in "lower" category

A broker's license applicant must have:

- been a licensed salesperson actively engaged in real estate for at least a 24-month period preceding the application date; or
- had substantially equal experience, whether as a former broker, a former salesperson, a real estate manager or otherwise.

A broker's license applicant may use prior active experience to satisfy the broker's license experience requirement only if the salesperson was actively licensed for no fewer than 24 months and the license on which the experience is based has not been expired for more than three years before the application date.

Waiver of qualifications for some professionals

The [Real Estate Commission](#) may waive the examination requirement for a nonresident broker who is licensed in a state with similar requirements, provided "similar recognition and courtesies" are extended to licensed Iowa real estate brokers and salespersons.

Generally, persons who wish to seek waivers from the Commission's rules must comply with the uniform rules for professional licensing and regulation, set forth in regulatory chapter 193-5. The Commission will consider each case on an individual basis and may require additional supporting information.

Annual fees and filings

Real estate licenses have a three-year term, counting the remaining portion of the year issued as a full year, and expire on December 31 of the third year of the license term. A person who fails to renew a license by its expiration date may do so within 30 days following its expiration, but the Commission may assess a reasonable penalty.

The Commission will grant an application to renew a broker's license if:

- the Commission receives the licensee's application by December 31, or within the 30-day grace period;
- the application is accompanied by the appropriate fees, including any late fees;
- the application is fully completed with all necessary information, including information regarding the required continuing education and errors and omissions insurance; and
- the application fails to reveal any grounds for license denial.

Brokers may renew electronically or by submitting a written application.

A broker must notify the Commission in writing or electronically of any change of principal business location, and the Commission must issue a new license for the unexpired period upon payment of the appropriate fee.

A broker who fails to file a completed renewal application by midnight of January 30 of the first year following expiration may reinstate the license within three years of expiration by submitting a complete application, the regular renewal fee and an additional reinstatement fee of \$25 for each partial or full month following expiration. The reinstatement application must state that the broker

either fully satisfied all required continuing education or has retaken and passed the broker's examination.

The Commission must treat a broker who fails to reinstate an expired license by December 31 of the third year following expiration as if he or she had never been licensed in Iowa, in which case he or she must start over and qualify and apply for a salesperson license.

The relevant fees payable upon renewal of a broker's license are \$170 for the regular renewal fee and a \$25 fee if the broker renews the license between January 1 and January 30 following the license's expiration. The fee for "certification of license" is \$25.

Applicant investigation

An applicant for an initial real estate license is subject to a national criminal history check through the F.B.I. The Commission must provide the applicant's fingerprints to the Department of Public Safety for "submission through the state criminal history repository" to the F.B.I. The applicant must:

- authorize his or her criminal history check results to be released to the Commission; and
- pay any costs of the fingerprinting and a criminal history check.

The completed application must be received within 210 calendar days of the completion of the criminal history check.

Examinations

A real estate broker's license applicant must pass an authorized written examination, the scope of which establishes the applicant's competency to act as a real estate broker "in a manner to protect" the public's interests. The broker's examination must be "more exacting" than that for the salesperson's examination and must require "higher standards" of real estate knowledge.

A person who fails to pass the written examination once may immediately apply to take the next available examination. Thereafter, the applicant may take the examination at the Commission's discretion.

Applicants register and pay examination fees directly to the appropriate testing service.

An examinee must show evidence at the examination site that he or she has completed the

required prelicense education. If the Commission has granted a substitution, waiver or variance of the prelicense education requirements, the examinee must show the letter granting the substitution, waiver, or variance.

Other prerequisites

A licensee's application is subject to the following qualifications:

- unless otherwise provided, an applicant may not have had a license application rejected during the 12 months before the application date or had a real estate license revoked within two years before the application date;
- an applicant must be at least 18 years old;
- an applicant who has had a professional license of any kind revoked or suspended or who has had any other discipline imposed may be denied a license on those grounds; and
- a person who makes a "false statement of material fact" on a real estate license application, or who has been a party to preparing or submitting a false application, may be denied a license on those grounds.

An applicant who has been convicted of a felony, an offense including or involving forgery, embezzlement, obtaining money under false pretenses, theft, arson, extortion, conspiracy to defraud, or other similar offense, or any other offense involving a criminal breach of fiduciary duty, may not be considered for a license until five years have elapsed following completion of any period of incarceration, payment of a fine, or fulfillment of any other type of sentence. For any other offense involving moral turpitude, one year must have elapsed. After expiration of the applicable time period, an application shall be considered by the Commission and may be denied on the grounds of the conviction.

The Commission may only require an applicant to disclose on the application criminal convictions for crimes classified as indictable offenses.

The Commission, when considering the denial of a license for the above reasons must consider:

- the offense's nature;
- any documented aggravating or extenuating circumstances;
- the time lapsed since the event;
- any rehabilitation, treatment or restitution; and
- any other factors deemed relevant.

The Commission may require character references, but they may not be obtained from licensed real estate brokers or salespersons.

A broker's license applicant must apply in writing on forms furnished by the Commission. The Commission may not require a recent photograph of the applicant.

A broker's license applicant who passes a qualifying broker examination will receive a passing score report and an application form for licensure from the testing service. The applicant must file with the Commission a completed application, the license fee, proof of required education and the exam score report no later than the last working day of the sixth calendar month following the examination. The application form "requires detailed personal, financial, and business information concerning the applicant," and the applicant must "attest to its accuracy."

Every real estate license applicant must:

- furnish the applicant's present mailing and electronic mailing addresses;
- carry errors and omissions insurance; and
- have paid child support and student loans, as required by the uniform rules for professional licensing set forth in regulatory chapter 193-8.

A real estate broker generally must maintain a place of business in Iowa, and if the real estate broker maintains more than one place of business in Iowa, he or she must obtain a duplicate license for each branch office.

Corporate licenses

The Commission will not grant a partnership, association, corporation, professional corporation, or a limited liability company a license unless every member or officer of the entity who actively participates in its brokerage business and every employee who acts as a salesperson for it holds a real estate license.

A licensed officer of a corporation or partnership may be licensed as an officer or partner of more than one entity. The "main or primary license for which the full license fee was paid" must be maintained in active status to keep any additional licenses that were issued at a reduced fee active. "Continuing education is required only for renewal of the main or primary license."

Branch office and trade name licenses are issued for "the remaining portion of the license term of the license to which each is assigned."

BROKER ASSOCIATE QUALIFICATIONS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON QUALIFICATIONS

Education

Iowa Code § 543B.15(9), as set forth in the state's code as available on the Internet and on Westlaw, provides that a real estate salesperson's license applicant must complete a Commission-approved "short course in real estate education" of at least 30 hours during the 12-month period before taking the salesperson's examination. However, regulatory section 193E-16.2 provides that "the required course of study for the salesperson licensing examination shall consist of 60 hours of live instruction or distance learning hours of real estate principles and practices," which must be completed during the 12 months prior to applying for a license.

An applicant for an original salesperson license must also provide evidence of successful completion of the following courses:

- Developing Professionalism and Ethical Practices (12 hours);
- Buying Practices (12 hours); and

- Listing Practices (12 hours).

These classes are in addition to the 60– hour salesperson prelicense course. The applicant must complete all the required education during the 12 months prior to the the date the application is postmarked or received.

First-year educational requirements

Effective January 10, 2018, the post-licensure educational requirements no longer apply.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

Generally, persons who wish to seek waivers from the Commission's rules must comply with the uniform rules for professional licensing and regulation, set forth in regulatory chapter 193-5. The Commission will consider each case on an individual basis and may require additional supporting information.

Annual fees and filings

Real estate licenses have a three-year term, counting the remaining portion of the year issued as a full year, and expire on December 31 of the third year of the license term. A person who fails to renew a license by its expiration date may do so within 30 days following its expiration, but the Commission may assess a reasonable penalty.

Salespersons may renew electronically or by submitting a written application.

The Commission grants an application to renew a salesperson's license if:

- the Commission receives the licensee's application by December 31, or within the 30-day grace period;
- the application is accompanied by the appropriate fees;

- the application is fully completed with all necessary information, including information regarding the required continuing education and errors and omissions insurance; and
- the application fails to reveal any grounds for license denial.

An inactive or suspended license expires if it is not timely renewed. A salesperson who fails to file a completed renewal application by midnight of January 30 is treated as an application to reinstate.

The relevant fees payable upon renewal of a salesperson's license are \$125 for the regular renewal fee and a \$25 fee if the salesperson renews the license between January 1 and January 30 following the license's expiration.

Applicant investigation

All licensees are subject to the same investigation provisions. (See "BROKER REQUIREMENTS" above.)

Examinations

A real estate salesperson's license applicant must pass an authorized written examination, the scope of which establishes the applicant's competency to act as a real estate salesperson "in a manner to protect" the public's interests. The broker's examination must be "more exacting" than that for the salesperson's examination and must require "higher standards" of real estate knowledge.

A person who fails the written examination once may immediately apply to take the next available examination. Thereafter, the applicant may take the examination at the Commission's discretion.

Applicants register and pay examination fees directly to the appropriate testing service.

An examinee must show evidence at the examination site that he or she has completed the required prelicense education. If the Commission has granted a waiver or variance of the prelicense education requirements, the examinee must show the letter granting the waiver, or variance.

Other prerequisites

A licensee's application is subject to the following qualifications:

- unless otherwise provided, an applicant may not have had a license application rejected during the 12 months before the application date or had a real estate license revoked within two years before the application date;
- an applicant must be at least 18 years old;
- an applicant who has had a professional license of any kind revoked or suspended or who has had any other discipline imposed may be denied a license on those grounds; and
- a person who makes a "false statement of material fact" on a real estate license application, or who has been a party to preparing or submitting a false application, may be denied a license by the commission on those grounds.

An applicant who has been convicted of a felony, an offense including or involving forgery, embezzlement, obtaining money under false pretenses, theft, arson, extortion, conspiracy to defraud, or other similar offense, or any other offense involving a criminal breach of fiduciary duty, may not be considered for a license until five years have elapsed following completion of any period of incarceration, payment of a fine, or fulfillment of any other type of sentence. For any other offense involving moral turpitude, one year must have elapsed. After expiration of the applicable time period, an application shall be considered by the Commission and may be denied on the grounds of the conviction.

The Commission may only require an applicant to disclose on the application criminal convictions for crimes classified as indictable offenses.

The Commission may require character references, but they may not be obtained from licensed real estate brokers or salespersons.

A salesperson's license applicant must apply on forms furnished by the Commission. The Commission may not require a recent photograph of the applicant. The application for the salesperson's license must be accompanied by "a written statement by the broker whose service the applicant is about to enter recommending that the license be granted to the applicant."

A salesperson's license applicant who passes a qualifying salesperson's examination will receive a passing score report and an application form for licensure from the testing service. The applicant must file with the Commission a completed application, the license fee, proof of required education, and the exam score report no later than the last working day of the sixth calendar month following the examination. The application form "requires detailed personal, financial, and business

information concerning the applicant," and the applicant must "attest to its accuracy."

A real estate license applicant must:

- furnish the applicant's present mailing and electronic mail addresses;
- carry errors and omissions insurance; and
- have paid child support and student loans, as required by the uniform rules for professional licensing set forth in regulatory chapter 193-8.

A salesperson's license applicant must also furnish a written statement by the designated broker whose service the applicant is about to enter recommending that the license be granted to the applicant.

A salesperson who fails to renew or fails to file a complete renewal application form by midnight of January 30 of the first year following the license's expiration may reinstate the license within three years of expiration by submitting a complete application with the regular renewal fee and an additional reinstatement fee of \$25 for each partial or full month following expiration.

A salesperson who fails to reinstate an expired license by December 31 of the third year following its expiration date is treated as if the person had never been licensed in Iowa, and he or she must start over in the licensing process.

SPECIALIST QUALIFICATIONS

No relevant provisions were located.

Section 543B.16 amended 2018; §§ 543B.21 and 543B.28 amended 1981; § 543B.53 amended 2017; § 543B.20 amended 2014; § 543B.27 amended 1995; §§ 543B.32 and 543B.33 amended 2017; § 543B.47 amended 2002; § 543B.2 amended 2007; § 543B.31 amended 2017; § 543B.15 amended 2017; regulatory chapters 193E-1 and 193E-9 promulgated 2002; ch. 193E-3 amended 2005; r. 193E-7.1 amended 2018; ch. 193E-4 amended 2008; rr. 193E-3.1, .2, .3, .5, .6; -4.1, .2, .3 amended 2017, effective Sept. 9, 2017; r.r 193E-ch. 16 amended 2018.

[Iowa Code §§ 543B.2, .15, .16, .20, .21, .27, .28, .31, .32, .33, .47, .53 \(2019\)](#); [Iowa Admin. Code r. 193E-1.5, .8; -3.1, .2, .3, .5, .6; -4.1, .2, .3, .6; -7.1; -9.1, -16.1 to .11 \(2019\)](#); [2018 Rule Changes](#); [Licensing by Administrative Rule 5.3 \(last visited Nov. 3, 2019\)](#); [Reciprocity Licensing \(last visited Nov. 3, 2019\)](#)

Kansas

Kansas, Continuing Education Approval

PROVIDER

General requirements

Except for courses reviewed pursuant to § 58-3046a(j) (regarding continuing education courses submitted for credit by licensees), the [Kansas Real Estate Commission](#) ("Commission") must approve courses required by § 58-3046a. The courses must be offered by:

- an institution that is accredited by the North Central Association of Colleges and Secondary Schools accrediting agency;
- a technical school;
- a private or out-of-state postsecondary educational institution that has been issued a certificate of approval;
- a Kansas state agency;
- a similar Commission-approved institution located in another state;
- an entity approved by the Commission to provide continuing education.

A "school" is an entity that is eligible under § 58-3046a(g) to offer Commission-approved courses. A "cosponsor" is an entity that is not eligible to offer Commission-approved courses. A school may request the Commission's approval of a course that a cosponsor developed and presented, provided that the cosponsor is sponsored by an approved entity. The school must:

- submit an application for approval of a sponsored course; and

- maintain responsibility for each course presented by a cosponsor.

Approval applications

To obtain the Commission's approval of a course, a school must:

- notify the Commission of the supervising coordinator's name, address and telephone number; and
- submit all required information for course and instructor approval at least 45 days before the first scheduled class session.

The required information must include the following:

- a completed application for course registration on the appropriate form;
- a completed application for the real estate instructor;
- the school's procedure for maintaining attendance records;
- the course's proposed dates, times and locations;
- the total course fee;
- the total number of sessions;

- the duration of each session;
- the total number of hours;
- the course objectives; and
- a "detailed course outline."

Distance learning course approval

The Commission may approve "nontraditional courses consisting solely or primarily of home study, videotaped or computer-assisted instruction." For these courses, attendance of one hour of instruction means "50 minutes of classroom instruction or the equivalent thereof in nontraditional study as determined by the commission."

A school requesting approval of a correspondence or home study program course must submit:

- a copy of the course materials, including "textbooks, student workbooks, and examinations with answers";
- the timeframe for completing the course;
- the time allotted for examinations; and
- the method by which the school will proctor the examinations.

A school may issue a certificate of completion for an approved correspondence or home study program course if the student has received a score of at least:

- 70 percent on a proctored closed-book examination; or
- 90 percent on an open-book examination.

A school must submit to the Commission a copy of each certificate of completion issued for a correspondence or home study program course within seven days. If the course completion date is less than seven days before the licensee's renewal date, the school must "postmark, deliver or FAX" the certificate to the Commission by the renewal date.

The above provisions include "distance education courses," defined as "instruction provided online or in other computer-assisted formats, or by correspondence, audiotape, videotape or other media."

Advertising

A school may not:

- advertise a course as meeting the licensing act's educational requirements before the school "places verification of commission approval on file at the school";
- advertise that an instructor will teach a course before the school "places verification of approval of the instructor for the course on file at the school"; or
- guarantee that successful completion of a course will result in a student passing a real estate licensing examination (for prelicensing courses).

In any course advertising and in the course registration form, a school must include a statement that the course is approved for a specified number of mandatory or elective hours toward the 12-hour requirement.

A school advertising its "required broker core" must identify each topic covered by the course.

Student records

A school must:

- ask a licensee registering for a course to verify his or her license number;
- ask a licensee to use his or her name exactly as it appears on the licensee's license;
- maintain for at least three years at the school's business address a record of each student who successfully completed a Commission-approved course; and
- keep attendance records current and available for the Commission's inspection upon request.

Certificates of completion

Within seven calendar days of course completion, a school must issue a certificate of completion on Commission-approved forms to each student who successfully completes a Commission-approved course.

A school may not issue a certificate to any student who was absent more than 10 percent of the classroom hours for prelicensing or post-license courses. For all other approved courses, including continuing education, the school may not issue a certificate to a "student who was absent during any portion of the scheduled classroom hours."

A school may issue a certificate of completion for an approved correspondence or home study program course if the student has received a score of at least:

- 70 percent on a proctored closed-book examination; or
- 90 percent on an open-book examination.

A school must submit a copy of each certificate of completion issued for a correspondence or home study program course to the Commission within seven days. If the course completion date is less than seven days before the licensee's renewal date, the school must "postmark, deliver or FAX" the certificate to the Commission by the renewal date.

A school offering a course developed by a cosponsor must issue a certificate of completion to each student who successfully completes the course.

Other submissions

A school must pay the course fee set forth in r. 86-1-5 if the Commission notifies the school of tentative course approval. The Commission will not grant final approval until the Commission receives the course fee.

Registration of Commission-approved courses expires at the end of each calendar year.

For post-license and continuing education courses, a school must submit a roster to the Commission within seven days after the course's completion date. However, if the completion date is less than seven calendar days before any licensing renewal date, the school must "postmark, deliver or FAX" the roster to the Commission no later than the renewal date. The roster must be on a Commission-approved form and must include:

- the school's name and code;
- the course's name and code;
- the instructor's name;
- the city in which the course was offered;
- the number of approved elective or mandatory hours;
- the course's completion date;
- the full names, listed in alphabetical order, and license numbers for each licensee who was issued a completion certificate; and
- the total number of listed licensees.

The school coordinator or the instructor must sign each page of the roster.

CONTENT

The Commission must designate each approved course as consisting of either mandatory core or elective hours.

The Commission may approve as mandatory core hours a course entitled "Required Salesperson and Broker Core" and a course entitled "Required Broker Core." The "Required Salesperson and Broker Core" course must "use a course outline limited to the topics of brokerage relationships and misrepresentation." The "Required Broker Core" course must use a course outline that is limited to one or more of the following subjects:

- procedures manuals;

- trust accounts;

- management;

- common violations of the licensing act and brokerage relationships in the real estate transactions act;

- commercial sales and leasing issues; or

- farm and ranch issues.

MATERIALS

At the Commission's request, the coordinator must ask students to complete an instructor evaluation form. Before the conclusion of each course, a school must notify students that a student opinion may be obtained from the Real Estate Commission, and is also available electronically.

INSTRUCTOR QUALIFICATIONS

A person desiring to teach a Commission-approved course must submit an application for instructor approval and "show evidence of knowledge of the subject matter and ability to effectively instruct or evidence that the instructor has received a commission-approved designation."

An instructor applicant shows "knowledge of the subject matter" by meeting at least one of the following requirements:

- holding a college degree in real estate, law, business or another academic area directly related to the course; or
- having at least three years' experience in "the professional area of real estate directly related to the course."

An instructor applicant shows "ability to effectively instruct" by meeting at least one of the following requirements:

- having completed, during the preceding two years, a "commission-approved course of study for instructors designed to develop the ability to communicate";
- holding a current teaching certificate;
- holding a four-year college or university degree in education; or
- having "successfully demonstrated the ability to teach in schools, seminars, or an equivalent setting."

PRIOR APPROVAL REQUIREMENTS

Approval timing

To obtain the Commission's course-approval, a school must submit all required information for course and instructor approval at least 45 days before the first scheduled class session. However, §

58-3046a(j) provides that the Commission may approve courses required by § 58-3046a(j) either before or after their completion. The Commission may give credit toward the 12 hours of additional instruction to a licensee who submits an application for course review and pays the fee set forth in § 58-3063, if the Commission determines that the course meets the state's continuing education objectives.

Approval after class date

Section 58-3046a(j) provides that the Commission may approve courses required by § 58-3046a(j) either before or after their completion. The Commission may give credit toward the 12 hours of additional instruction to a licensee who submits an application for course review and pays the fee set forth in § 58-3063, if the Commission determines that the course meets the state's continuing education objectives.

EXAMINATION

Examination requirements

A school requesting approval of a correspondence or home study program course must submit:

- a copy of the course materials, including "examinations with answers";
- the time frame for completing the course;
- the time allotted for examinations; and
- the method by which the school will proctor the examinations.

Proctors

A school requesting approval of a correspondence or home study program course must submit, among other things, the method by which the school will proctor the examinations required for correspondence or home study program courses.

A school may issue a certificate of completion for an approved correspondence or home study program course if the student has:

- received a score of at least 70 percent on a proctored closed-book examination, in which case the proctor must provide to the school a certification for each examination he or she administers; or
- received a score of at least 90 percent on an open-book examination.

Section 58-3046a amended 2019; regulation sections amended 2007.

[Kan. Stat. Ann. § 58-3046a](#) (as amended by [2019 Kan. Sess. L. 23 \(S.B. 60\)](#)); [Kan. Admin. Regs. §§ 86-1-10, -11, -17 \(2019\)](#)

Kansas, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

A course instructor may receive credit for the number of hours he or she taught. However, the instructor may receive credit only once for each course taught during a renewal period.

A nonresident may receive elective-hour credit for courses approved by his or her state's commission, but he or she may receive credit for a mandatory core requirement only for courses approved by the Kansas Commission.

Required hours

Generally, at or before each renewal date, a licensee must attend at least 12 hours of Commission-approved continuing education during each renewal period. The 12 hours required for each renewal of a broker's license must include:

- at least six hours designated as mandatory core hours; and

- no more than six hours designated as elective hours.

A broker must meet the mandatory core requirement by taking a Commission-approved course entitled "Required Salesperson and Broker Core" and a course entitled "Required Broker Core."

The Commission must designate either as meeting a mandatory core requirement or as elective hours credit given to a licensee for a course he or she submits for approval pursuant to § 58-3046a(j).

A licensee may receive a maximum of three hours' credit during a renewal period for real estate appraisal courses.

Minimum class length

An approved course must have total instruction time of at least three hours.

Subjects

The 12 hours required for each renewal of a broker's license must include:

- at least six hours designated as mandatory core hours; and
- no more than six hours designated as elective hours.

The Commission must designate each approved course as consisting of either mandatory core or elective hours. A broker must meet the mandatory core hour requirement by taking a course entitled "Required Salesperson and Broker Core" and a course entitled "Required Broker Core." The "Required Salesperson and Broker Core" course must "use a course outline limited to the topics of brokerage relationships and misrepresentation." The "Required Broker Core" course must use a course outline that is limited to one or more of the following subjects:

- procedure manuals;
- trust accounts;

- management;
- common violations of the licensing act and brokerage relationships in the real estate transactions act;
- commercial sales and leasing issues; or
- farm and ranch issues.

Attendance requirements

A school may not issue a certificate to any student who was absent more than 10 percent of the classroom hours for prelicensing or post-license courses. For all other approved courses, including continuing education, the school may not issue a certificate to a "student who was absent during any portion of the scheduled classroom hours."

Online classes

The Commission may approve distance education courses, defined as "instruction provided online or in other computer-assisted formats, or by correspondence, audiotape, videotape or other media." For these courses, attendance of one hour of instruction means "50 minutes of classroom instruction or the equivalent thereof in nontraditional study as determined by the commission."

A school may issue a certificate of completion for an approved correspondence or home study program course if the student has received a score of at least:

- 70 percent on a proctored closed-book examination; or
- 90 percent on an open-book examination.

With respect to an applicant who entered military service and separated from such service under conditions other than dishonorable, the Commission may waive educational requirements if the applicant provides evidence of completion of a distance education course provided by an

accredited institution that is substantially equivalent to the educational standards required for licensure in Kansas.

Other requirements

The expiration date for each original license is the first day of the month of issuance two years after the issuance date. Each renewed license expires two years after the expiration date of the preceding license. Except as otherwise provided, applicants for an original or renewal license must satisfy all applicable requirements before the Commission will issue or renew his or her license.

A real estate license is renewable by filing a renewal application on or before the renewal date. The application must be made on a Commission-provided form and accompanied by:

- the required renewal fee; and
- evidence of compliance with the continuing education requirements.

If a licensee fails to renew his or her license on or before the renewal date, the Commission will automatically cancel the license. The Commission may reinstate and renew the license if, within six months following the license's expiration date, the licensee submits an application for late renewal. The application generally must:

- include payment of the required renewal fee; and
- include payment of a late fee.

A broker's license renewal applicant must submit the following fees:

- for renewal of a broker's license, a two-year fee not exceeding \$175; and
- for reinstatement of a license that has been deactivated or canceled, a fee of \$15.00.

If the balance remaining in the real estate recovery revolving fund is less than \$100,000 the Commission must assess each licensed broker a fee of \$10.

In addition to submitting the application for renewal of a real estate license, an applicant must provide documentation concerning any of the following that is applicable:

- any litigation filed by or against the applicant or any real estate company that applicant owns, in whole or in part, that relates to "the business of buying, selling, exchanging, or leasing real estate" or to any activity listed in the definition of "broker";
- any pending charges or conviction of a criminal offense other than minor traffic violations; and
- any denial, revocation or suspension of (or any other disciplinary action taken against) any professional or occupational license or certificate that the applicant held in any jurisdiction.

ASSOCIATE BROKER REQUIREMENTS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON OR AGENT REQUIREMENTS

Exemptions

A course instructor may receive credit for the number of hours taught by the instructor. However, the instructor may receive credit only once for each course taught during a renewal period.

A nonresident may receive elective-hour credit for courses approved by his or her state's commission. However, a nonresident may receive credit for a mandatory core requirement only for courses approved by the Kansas Commission.

Required hours

Generally, at or before each renewal date, a licensee must attend at least 12 hours of Commission-approved continuing education during each renewal period. The 12 hours required for each renewal of a salesperson's license must include:

- at least three hours designated as mandatory core hours; and
- no more than nine hours designated as elective hours.

A salesperson must meet the mandatory core requirement by taking a Commission-approved course entitled "Required Salesperson and Broker Core."

The Commission must designate either as meeting a mandatory core requirement or as elective hours credit given to a licensee for a course he or she submits for approval pursuant to § 58-3046a(j).

A licensee may receive a maximum of three hours' credit during a renewal period for real estate appraisal courses.

Minimum class length

An approved course must have total instruction time of at least three hours.

Subjects

The 12 hours required for each renewal of a salesperson's license must include:

- at least three hours designated as mandatory core hours; and
- no more than nine hours designated as elective hours.

The Commission must designate each approved course as consisting of either mandatory core or elective hours. The Commission may approve as mandatory core hours a course entitled "Required Salesperson and Broker Core," which must "use a course outline limited to the topics of brokerage relationships and misrepresentation."

Attendance requirements

A school may not issue a certificate to any student who was absent more than 10 percent of the classroom hours for prelicensing or post-license courses. For all other approved courses, including continuing education, the school may not issue a certificate to a "student who was absent during

any portion of the scheduled classroom hours."

Online classes

All real estate licensees are subject to the same online class provisions. (See "BROKER REQUIREMENTS" above.)

Other requirements

The expiration date for each original license is the first day of the month of issuance two years after the issuance date. Each renewed license expires two years after the expiration date of the preceding license. Except as otherwise provided, applicants for an original or renewal license must satisfy all applicable requirements before the Commission will issue or renew his or her license.

Except for a temporary salesperson's license, a real estate license is renewable by filing a renewal application on or before the renewal date, which is the last calendar day of the month before the license's expiration date. The application must be made on a Commission-provided form and accompanied by:

- the required renewal fee; and
- evidence of compliance with the continuing education requirements.

If a licensee fails to renew his or her license on or before the renewal date, the Commission will automatically cancel the license. The Commission may reinstate and renew the license if, within six months following the license's expiration date, the licensee submits an application for late renewal. The application generally must:

- include the required renewal fee; and
- include a late fee.

A salesperson's license renewal applicant must submit the following fees:

- for renewal of a salesperson's license, a two-year fee of \$125; and
- for reinstatement of a license that has been canceled, a fee of \$15.00.

If the balance remaining in the real estate recovery revolving fund is less than \$100,000, the Commission must assess each licensed salesperson a fee of \$5.00.

In addition to submitting the application for renewal of a real estate license, an applicant must provide documentation concerning any of the following that is applicable:

- any litigation filed by or against the applicant or any real estate company that applicant owns, in whole or in part, that relates to "the business of buying, selling, exchanging, or leasing real estate" or to any activity listed in the definition of "broker";
- any pending charges or conviction of a criminal offense other than minor traffic violations; and
- any denial, revocation or suspension of (or any other disciplinary action taken against) any professional or occupational license or certificate that the applicant held in any jurisdiction.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Sections 58-3046a and -3063 amended 2019; § 58-3066 amended 2001; § 58-3045 amended 2019; regulation 86-1-16 adopted 1988; r. 86-1-3 amended 2019; r. 86-1-5 amended 2018; rr. 86-1-11 amended 2007; r. 86-1-19 amended 2018.

[Kan. Stat. Ann. §§ 58-3045, -3046a, -3063, -3066 \(2018\)](#); *see also* [2019 Kan. Sess. L. 23 \(S.B. 60\)](#) (amending §§ 58-3045, -3046a, -3063) [Kan. Admin. Regs. §§ 86-1-3, -5, -11, -16, -19 \(2019\)](#)

[Kansas, Licensing Categories](#)

BROKER

A "broker" is "an individual, other than a salesperson, who advertises or represents that such individual engages in the business of buying, selling, exchanging or leasing real estate or who, for compensation, engages in any of the following activities as an employee of, or on behalf of," a real estate owner, purchaser, lessor or lessee:

- "[s]ells, exchanges, purchases or leases real estate," or offers to do so;
- "[n]egotiates or offers, attempts or agrees to negotiate" a real estate sale, exchange, purchase or lease;
- "[l]ists or offers, attempts or agrees to list real estate";
- "[a]uctions or offers, attempts or agrees to auction real estate";
- assists an auctioneer by procuring bids at an auction;
- deals in real estate options;
- procures prospects for a real estate sale, exchange or lease;
- assists or directs the negotiation of a real estate transaction;
- "[e]ngages in the business of charging an advance listing fee"; or
- provides lists of available real estate, other than those provided for the "sole purpose of promoting the sale or lease of real estate wherein inquiries are directed to the owner of the real estate or to real estate brokers and not to unlicensed persons who publish the list."

ASSOCIATE BROKER

An "associate broker" is "an individual who has a broker's license and who is employed by another broker or is associated with another broker as an independent contractor" and who participates in an activity listed above.

SALESPERSON

A "salesperson" is "an individual, other than an associate broker, who is employed by a broker or is associated with a broker as an independent contractor" and who participates in an activity listed above.

SPECIALIST CATEGORIES

No relevant provisions were located.

Section amended 2010.

[Kan. Stat. Ann. § 58-3035 \(2018\)](#)

[Kansas, Licensing Exemptions](#)

Kansas real estate licensing laws do not apply to the following:

- a person, who directly performs any of the real estate acts with reference to his or her own property;
- a person who directly performs any of the real estate acts with reference to property that he or she is authorized to transfer by a power of attorney, provided he or she receives no compensation for performing the act;
- an attorney licensed to practice in Kansas who is performing his or her professional duties as an attorney;
- a receiver, bankruptcy trustee, administrator, executor or guardian;

- a person acting under a court order, will or trust instrument;
- a witness in a judicial or other proceeding conducted by the state or by a governmental subdivision or agency;
- an officer or employee of the federal or state government, or its political subdivision or agency, who is performing his or her official duties;
- a "multiple listing service wholly owned by a nonprofit organization or association of brokers";
- a nonprofit referral system or broker organization formed to refer prospects;
- railroads or other regulated public utilities, or their subsidiaries, affiliated corporations, officers or regular employees, unless the real estate act is in connection with disposing of real estate (or an investment therein) that is not related to the railroad's or the utility's principal business activity;
- a real estate sale or lease by an employee of a person, association, corporation, limited liability company, limited liability partnership, partnership, or professional corporation that owns or leases that real estate, provided the employee owns at least five percent interest in the employer;
- the sale or lease of new homes by the person or entity that constructed the homes, except for the sale or lease of new homes by an employee of a "person, partnership or association or by any employee of such corporation who owns less than" five percent of the corporation's stock; or
- a real estate lease for agricultural purposes.

Section amended 2010.

[Kan. Stat. Ann. § 58-3037 \(2018\)](#)

Kansas, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A real estate license applicant must have a high school diploma or its equivalent.

A broker's license applicant generally must attend not less than 30 nor more than 45 hours of Commission-approved Kansas real estate fundamentals course during the 12 months immediately preceding his or her application date. Those hours are in addition to any continuing education hours of instruction. The Commission may require the applicant to furnish evidence of meeting this educational requirement:

- to the Commission with the original license application; or
- to the testing service as a prerequisite to taking the required licensing examination. (If the applicant must furnish evidence to the testing service, he or she must have completed the instruction within 12 months before the examination date.)

Additionally, an applicant for an original broker license on or after January 1, 2020, must also submit evidence, of attendance at a Commission-approved real estate management course, of not less than 30 and no more than 45 hours of instruction, completed within the six months immediately preceding the Commission's receipt of the license application.

A person who applies for an original broker's license who is either a nonresident or who is a resident applying for licensure pursuant to § 58-3040(e) (related to reciprocal licenses) must attend "a Kansas real estate course, of not less than four hours of instruction and received within the six months immediately preceding the filing of the application for licensure." The Commission must approve the course, which must be "specific to Kansas law with primary emphasis on issues that arise under the brokerage relationships in real estate transactions act, K.S.A. 58-30,101 et seq., . . . and rules or regulations adopted thereunder."

Service in "lower" category

A broker's license applicant generally must have been licensed as a salesperson in Kansas or as a salesperson or broker in another state and actively engaged in real estate activities for at least a two-year period during the three years immediately before the application date. If the Commission waives or alters the experience requirement, it will issue a broker's license to an applicant who meets all other licensing requirements if the applicant:

- attends a Commission-prescribed course of study, consisting of between 30 and 60 instruction hours, depending on the applicant's amount and type of experience; and
- submits, within 90 days of notification by the Commission of the required course of study, evidence of attending the courses.

Waiver of qualifications for some professionals

The Commission may "accept proof of experience in the real estate or a related business or a combination of such experience and education which the commission believes qualifies the applicant to act as a broker" as being equal to all or part of the broker's license experience requirement.

The Commission may waive the education, examination and experience requirements for a nonresident who has received an equivalent education, passed an equivalent examination and obtained equivalent experience.

Annual fees and filings

The expiration date for each original license is the first day of the month of issuance two years after the issuance date. Each renewed license expires two years after the expiration date of the preceding license. Except as otherwise provided, applicants for a renewal license must satisfy all applicable requirements before his or her license will be renewed.

A real estate license is renewable by filing a renewal application on or before the expiration date. The application must be made on a Commission-provided form and accompanied by the required renewal fee.

If a licensee fails to renew his or her license on or before the renewal date, the Commission will automatically expire the license. The Commission may reinstate and renew the license if, within six months following the license's expiration date, the licensee submits an application for late renewal. The application generally must:

- include payment of the required renewal fee; and
- include payment of a \$100 late fee.

A broker's license renewal applicant must submit the following fees:

- for renewal of a broker's license, a two-year fee of \$175; and
- for reinstatement of a license that has been deactivated or canceled, a fee of \$15.

If the balance remaining in the real estate recovery revolving fund is less than \$100,000, the Commission must assess each licensed broker a fee of \$10.

In addition to submitting the application for renewal of a real estate license, a renewal applicant must provide documentation concerning any of the following that is applicable:

- any litigation filed by or against the applicant or any real estate company that applicant owns, in whole or in part, that relates to "the business of buying, selling, exchanging, or leasing real estate" or to any activity listed in the definition of "broker";
- any pending charges or conviction of a criminal offense other than minor traffic violations;
and

- any denial, revocation or suspension of (or any other disciplinary action taken against) any professional or occupational license or certificate that the applicant held in any jurisdiction.

Applicant investigation

The Commission, before granting an original license, requires "proof that the applicant has a good reputation for honesty, trustworthiness, integrity and competence to transact the business of broker or salesperson in such manner as to safeguard the public interest."

In determining whether to grant a license the Commission must consider:

- any revocation or suspension of a prior real estate license;
- whether an applicant has committed any of the following during the term of a prior real estate license:
 - a violation of any of the practices enumerated in K.S.A. 58-3062;
 - a violation of the Real Estate Licensing Act or rules and regulations adopted thereunder; or
 - a violation of the Brokerage Relationships in Real Estate Transactions Act, K.S.A. 58-30,101 et seq.;
- whether an applicant has been finally adjudicated and a determination was made by a federal, state or other licensing body that the listed above during the term of any real estate license issued to the applicant by another jurisdiction;
- any plea of guilty or nolo contendere to, or any conviction of any misdemeanor which reflects on the applicant's honesty, trustworthiness, integrity or competence to transact the business of real estate;

- any conduct of the applicant which reflects on the applicant's honesty, trustworthiness, integrity or competence to transact the business of real estate; and
- such other matters as the commission deems pertinent.

In considering the above the Commission must take into account "the nature of the offense; any aggravating or extenuating circumstances; the time elapsed since such revocation, conduct or conviction; the rehabilitation or restitution performed by the applicant; and such other factors as the commission deems relevant."

Unless otherwise provided, the Commission may refuse to grant a license to an applicant who has entered a plea of guilty or nolo contendere to, or who has been convicted of:

- an offense that is "comparable to any crime which would require the applicant to register as provided in the Kansas offender registration act";
- a "federal, military or other state conviction for an offense that is comparable to any crime under the laws of this state which would require the applicant to register as provided in the Kansas offender registration act"; or
- any other felony or "federal, military or other state conviction for an offense that is comparable to" any felony under the Kansas laws.

The Commission may issue a license if the applicant's application is received at least:

- fifteen years "after the date of the applicant's discharge from post-release supervision resulting from any conviction" of any sexual offense referenced above; or
- five years after the date of the applicant's discharge from post-release supervision resulting from any felony conviction.

Under certain circumstances, the Commission may grant a license to an applicant who has entered a plea of guilty or nolo contendere to, or has been convicted of any listed crime, "if the applicant presents to the commission satisfactory proof that the applicant now bears a good reputation for honesty, trustworthiness, integrity and competence to transact the business of real estate in such a manner as to safeguard the interest of the public." The burden of proof is on the applicant. In determining whether or not the applicant presently has a good reputation, the Commission must consider the following additional factors:

- the extent and nature of the applicant's past criminal activity;
- the applicant's age at the time of the crime;
- the amount of time elapsed since the applicant's last criminal activity;
- the conduct and work activity of the applicant before and after the crime;
- evidence of the applicant's rehabilitation or rehabilitative effort; and
- all other evidence of the applicant's "present fitness for a license."

In addition to submitting a license application, an applicant must provide documentation concerning any of the following that is applicable:

- any litigation filed by or against the applicant or any real estate company that applicant owns, in whole or in part, that relates to "the business of buying, selling, exchanging, or leasing real estate" or to any activity listed in the definition of "broker";
- any pending charges or conviction of a criminal offense other than minor traffic violations;

- any denial, revocation or suspension of (or any other disciplinary action) taken against any professional or occupational license or certificate that the applicant held in any jurisdiction;
- a license history certification from any jurisdiction in which the applicant is currently licensed or has ever been licensed; and
- a nonresident service of process appointment form for any applicant who is not a Kansas resident.

The Commission may require a real estate license applicant to furnish a current credit report at the applicant's expense.

An applicant must be fingerprinted and submit to a state and national criminal history record check. The fingerprints will be used "to identify the person and to determine whether the person has a record of criminal history." The applicant must submit the fingerprints to the Kansas bureau of investigation and the F.B.I. for a state and national criminal history record check. The Commission collects a fee of \$60 to reimburse the board for the cost of fingerprinting and the criminal history record check.

A criminal history report may not be used if it is more than six months old.

Examinations

An original broker's license applicant must pass a written examination covering "generally the matters confronting brokers or salespersons." The Commission may not issue a license if either or both sections were administered more than four months before the application date. Each person taking the examination must pay the examination fee. The examination for a broker's license must "be different from or in addition to that for a salesperson's license."

An applicant must pass an examination "covering the subject matter which brokers or salespersons generally confront while conducting activities that require a real estate license." The exam contains a general portion that tests the applicant's knowledge of real estate matters that have general application. The state portion of the examination tests "the applicant's knowledge of real estate subject matter applicable to a specific jurisdiction." Generally, unless otherwise provided, an original license applicant must pass the general or national portion of the examination. Every original license applicant must pass the Kansas state portion of the examination. The Commission may not issue a license on the basis of an examination if either or both portions of the examination were administered more than six months before the application date. The examination for a broker's license must be different from or in addition to a salesperson's license.

Other prerequisites

A real estate license applicant must:

- file an application with the Commission or, if required by the Commission, with the testing service; and
- pay the application and license fees.

The Commission may grant a license only to a person who:

- is at least 18 years of age; and
- has a high school diploma or its equivalent.

A broker's license applicant must submit the following fees for licensure:

- for submitting an application for an original real estate license, a fee of \$15; and
- for an original broker's license, a fee based on a two-year amount of \$175.

Before taking the licensing examination, a broker's license applicant must submit, to the designated testing service, a certificate of completion of an approved course registered under the title "Broker Pre-License Course."

A broker who desires to do business under a trade name or a name that is not the broker's own must register the name with the Commission, which may disapprove using the name if it would be misleading or confusing to the public.

An applicant who qualifies for a broker's license must submit an application and evidence of compliance with § 58-3046a(b) and (d).

Corporate licensees

The Commission will not grant a license to an association, corporation, limited liability company, limited liability partnership, partnership, or professional corporation. The following persons who perform any real estate act (as described in § 58-3035(f)) must be a licensed broker or salesperson:

- each an owner, officer, or a member of an association, corporation, limited liability company, limited liability partnership, partnership, or professional corporation; and
- each person who is employed by or associated with an association, corporation, limited liability company, limited liability partnership, partnership, or professional corporation.

A supervising broker who desires to do business under a trade name or business name must register with and obtain approval from the Commission for use of the name.

ASSOCIATE BROKER QUALIFICATIONS

No specifically relevant provisions were located. See "BROKER QUALIFICATIONS" above. However, an application for an original license as a salesperson or an associate broker must be accompanied by "the recommendation of the supervising broker or branch broker with whom the salesperson or associate broker is to be associated, or by whom the salesperson or associate broker is to be employed, certifying that the applicant is honest, trustworthy and of good reputation."

SALESPERSON QUALIFICATIONS

Education

A real estate license applicant must have a high school diploma or its equivalent.

A salesperson's license applicant must attend a Commission-approved "Principles of Real Estate" course of at least 30 hours completed during the 12 months immediately preceding receipt of the application by the Commission. The Commission may require the applicant to furnish evidence of completing the course:

- to the Commission with the original application; or

- to the testing service as a prerequisite to taking the required examination, in which case the applicant must have completed the instruction within 12 months immediately before the examination date.

A person who applies for an original license as a salesperson must also submit evidence "of attendance of a Kansas real estate practice course, of not less than 30 hours of instruction, approved by the commission and completed" within the six months immediately preceding the Commission's receipt of the application

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

The Commission may grant a nonresident salesperson employed by or associated with a broker licensed pursuant to Kansas law a salesperson's license under that broker, and may waive the state's education and examination requirements, provided "the salesperson has received equivalent education and has passed an equivalent examination."

Annual fees and filings

The expiration date for each original license is the first day of the month of issuance two years after the issuance date. Each renewed license expires two years after the expiration date of the preceding license. Except as otherwise provided, applicants for an original or renewal license must satisfy all applicable requirements before his or her license will be issued or renewed.

A real estate license is renewable by filing a renewal application on or before the renewal date. The application must be made on a Commission-provided form and accompanied by the required renewal fee.

If a licensee fails to renew his or her license on or before the renewal date, the Commission will automatically expire the license. The Commission may reinstate and renew the license if, within six months following the license's expiration date, the licensee submits an application for late renewal. The application generally must:

- include the required renewal fee; and

- include a late fee.

A salesperson's license renewal applicant must submit the following fees:

- for renewal of a salesperson's license, a two-year fee of \$125; and
- for reinstatement of a license that has deactivated or canceled, a fee of \$15.00.

If the balance remaining in the real estate recovery revolving fund is less than \$100,000, the Commission must assess each licensed salesperson a fee of \$5.

In addition to submitting the application for renewal of a real estate license, an applicant must provide documentation concerning any of the following that is applicable:

- any litigation filed by or against the applicant or any real estate company that applicant owns, in whole or in part, that relates to "the business of buying, selling, exchanging, or leasing real estate" or to any activity listed in the definition of "broker";
- any pending charges or conviction of a criminal offense other than minor traffic violations;
- any denial, revocation or suspension of (or any other disciplinary action taken against) any professional or occupational license or certificate that the applicant held in any jurisdiction;
- a license history certification from any jurisdiction in which the applicant is currently licensed or has ever been licensed; and
- a nonresident service of process appointment form for any applicant who is not a Kansas resident.

A person who qualified for original licensure as a salesperson pursuant to § 58-3039 need not comply with the state's continuing education requirements "until the second license renewal period if the license expires less than six months after it is issued."

Applicant investigation

All real estate licensees are subject to the same applicant investigation provisions (see "BROKER QUALIFICATIONS" above), except a salesperson's license application must be accompanied by "the recommendation of the supervising broker or branch broker with whom the salesperson or associate broker is to be associated, or by whom the salesperson or associate broker is to be employed, certifying that the applicant is honest, trustworthy and of good reputation."

Examinations

All real estate licensees are subject to the same examination requirements (see "BROKER QUALIFICATIONS" above), except a broker's license examination must "be different from or in addition to that for a salesperson's license."

Other prerequisites

A real estate license applicant must:

- file a written application with the Commission or, if required by the Commission, with the testing service; and
- pay the application and license fees.

The Commission may grant a licensee only to a person who:

- is at least 18 years of age; and
- has a high school diploma or its equivalent.

A broker's license applicant must submit the following fees for licensure:

- for submitting an application for an original real estate license, a fee of \$15; and
- for an original salesperson's license, a prorated fee based on a two-year amount \$125.

An application for an original license as a salesperson must be accompanied by "the recommendation of the broker with whom the salesperson is to be associated, or by whom the salesperson is to be employed, certifying that the applicant is honest, trustworthy and of good reputation."

An applicant must pay a fee in an amount equal to the actual cost of the examination and the administration of the examination to the testing service.

Before taking the required examination, a salesperson's license applicant must submit to the testing service a certificate of completion of a course registered under the title "Principles of Real Estate." The course may be no less than 30 hours, and the applicant must attend the course within 12 months immediately before the examination date.

An applicant who qualifies for licensure as a salesperson must submit an application accompanied by evidence of compliance with § 58-3046a(a).

SPECIALIST QUALIFICATIONS

No relevant provisions were located.

Section 58-3040 amended 2019; § 58-3066 amended 2001; § 58-3039 amended 2019; § 58-3045 amended 2019; §§ 58-3043 amended 2008; § 58-3047 amended 2019; §§ 58-3046a and -3063 amended 2019; § 58-3042 amended 2010; § 58-3079 enacted 2007; § 58-3043 amended 2011; regulation 86-2-3 and 86-3-3 amended 1981, revoked 2007; r. 86-1-18 amended; r. 86-1-13 amended 2007; r. 86-1-3 amended 2019; r. 86-1-5 amended 2018; r. 86-1-19 amended 2018; r. 86-1-20 adopted 2007; r. 86-1-5, 86-1-11, 86-1-13, 86-1-18 amended 2007.

[Kan. Stat. Ann. §§ 58-3039, -3040, -3042, -3043, -3045, -3046a, -3047, -3063, -3066, -3079 \(2018\)](#); see also [2019 Kan. Sess. L. 23 \(S.B. 60\)](#) (amending §§ 58-3039, -3040, -3045, -3046a, -3047, -3063); [Kan. Admin. Regs. §§ 86-1-3, -5, -13, -18, -19, -20 \(2019\)](#)

Kentucky

Kentucky, Continuing Education Approval

Note: As of November 30, 2019, the Real Estate Commission was in the process of significantly amending all its regulations related to continuing education approval.

PROVIDER

General requirements

An "approved real estate school" includes:

- a school that has been given a certificate of approval by the State Board for Proprietary Education ("Board") or other appropriate regulatory body and the [Kentucky Real Estate Commission](#) ("Commission"); or
- an NAR-recognized program which has been reviewed by the Commission and deemed an approved real estate school.

An "accredited" institution is a college or university accredited by "appropriately recognized educational associations or chartered and licensed in Kentucky that grants credits toward a program for either an associate, baccalaureate, graduate, or professional degree."

A continuing education course must be sponsored by:

- an accredited institution;
- a school with a license from the Kentucky Commission on Proprietary Education;
- an "appropriate governmental regulatory body";
- an approved real estate school; or
- a broker-affiliated training program approved by the Commission.

An approved real estate school must permit the Commission to inspect and monitor the school's administration or operation.

Approval applications

To apply for certification as an approved real estate school, a school must submit the following:

- a completed "Application for an Approved Real Estate School," which must include the required information regarding curriculum, instructors, educational materials and policies;
- a copy of the school's certificate of approval from the Kentucky State Board for Proprietary Education or the Kentucky Department of Education, if applicable;
- a sample schedule to show how the course will be presented;
- a complete detailed course outline, broken down into four hour increments. The outline must include a Real Estate Instructor Application and any additional documents required to explain a response on the application for each instructor who will teach this course, and a copy of the written material, other than the textbook or real estate license law manual, which the instructor will use in the classroom;
- a sample copy of the school brochure or information sheet;
- legal documentation required to support an answer, if applicable;
- sample copy of an official transcript issued by the school;
- a copy of the contract or agreement signed by the students which outlines the class schedule, assignments or projects, examination requirements, grading system, and attendance requirements; and

- a copy of the statement provided to students, informing them that a criminal conviction may disqualify them from licensure.

Also, at least 30 days before scheduling a continuing education course, the sponsor must submit to the Commission a completed "Continuing Education Schedule," identifying the course provider, title, number, instructor, date, time and location.

Distance learning course approval

An applicant for distance education provider approval must submit an application at least 60 days prior to the Commission's meeting date and must include:

- a complete copy of the program on the medium which is to be used;
- all hardware or software required to review the material;
- a link to the internet site;
- a copy of the final examination question bank and key for each course;
- a copy of any student materials; and
- effective January 1, 2020, a review fee not exceed \$75.

Attendance rosters for each approved continuing education course must be submitted on a semi-monthly basis and must include:

- the provider's name;

- course name and Commission-assigned number;
- total enrollment for the month;
- licensee's full legal name;
- licensee's residence address;
- licensee's identifying information; and
- the date of completion of each student, so that compliance with deadlines may be verified.

Advertising

An approved real estate school may not:

- advertise in conjunction with a broker's or a brokerage firm's business; or
- discuss, induce or promote "affiliation with a broker or brokerage firm."

Student records

An approved real estate school must generally maintain accurate and permanent records on each student enrolled in a course, which record must include each student's:

- record of courses completed or attempted;

- academic hours awarded; and
- final grades.

A certificate of completion must be:

- included in each student's permanent record; and
- mailed to each student upon course completion.

Each student's record must be maintained for three years and include attendance records and test scores. Student records must be retained for two years by continuing education providers.

Certificates of completion

A certificate of completion must be:

- included in each student's permanent record; and
- mailed to each student upon course completion.

A sponsor must give to each attendee a continuing education completion certificate.

Other submissions

A renewal application must be submitted by November 1 of each year.

A sponsor must submit to the Commission,

- at least 30 days before scheduling a continuing education course, a "Continuing Education Schedule," identifying the course provider, title, number, instructor, date, time and location; and
- within 10 days of a continuing education course, a completed "Continuing Education Attendance Roster" that includes the name, address and Social Security number of each attendee; each completed "Continuing Education Course Evaluation"; and a completed "CE Course Evaluation Transmittal Form."

CONTENT

When applying for certification as an approved real estate school, the school must submit, among other things, a course outline for each course.

A sponsor applying for approval of a continuing education course must submit:

- a completed "Continuing Education Course Application," which must (a) include information concerning curriculum, instructors, educational materials and policies, and (b) be signed by the sponsor's administrator "to indicate compliance with applicable law" and administrative regulations;
- a copy of the license from the Kentucky Commission on Proprietary Education, unless the provider is an accredited college or university, appropriate regulatory body, and a Board-approved real estate school;
- a completed "Real Estate Instructor Application" for each instructor; and
- a copy of all "advertising or brochures advertising the continuing education course."

A course must consist of topics that enable a student to better understand the brokerage business and serve the public. Courses that are motivational or considered to be personal development will not be approved.

A continuing education course must be in hourly increments from one to six hours. One hour of continuing education is allowed for each 50 minutes of actual attendance.

A course review fee of not more than \$50 must be submitted for each course approval application.

MATERIALS

A school applying for certification as an approved real estate school must submit, among other things, a copy of the "written material, other than the textbook or real estate license law manual," that the instructor will use in the classroom.

Approved continuing education instructors must enforce the Commission's "Guidelines for Classroom Management" as part of the continuing education program and comply with the "Generally-Accepted Principles of Education" developed by the Real Estate Educators Association.

Each continuing education provider must distribute an evaluation form to each student at the end of the course.

INSTRUCTOR QUALIFICATIONS

The following may be taught only by an "approved instructor":

- a prelicensure course offered by an approved real estate school or an accredited real estate school that receives funding under the real estate education, research and recovery fund;
- a post-license course; or
- a mandatory continuing education course.

An instructor applying for certification as an instructor at an approved real estate school must submit:

- a completed "Real Estate Instructor Application";

- a copy of a current resume;
- a copy of "legal documentation required to support an answer on the Instructor Application"; and
- a Course Outline for each course.

An instructor applying for instructor certification must also have one of the following:

- a bachelor's, masters or doctorate degree from an accredited college or university in a "field directly related to the nature of the course," such as real estate, business, law, finance or education;
- an associate degree in real estate from an accredited college or university;
- five consecutive years of "full-time experience in the real estate related subject area" that he or she is teaching, which must average at least 20 hours per week for each of the five years; or
- a "combination of teaching, education, and full-time experience in real estate totaling" five years, with an average of at least 20 hours per week for each year of experience.

The instructor must also possess

- a "thorough familiarity" with the provisions of Ky. Rev. Stat. Ann. ch. 324 and the effect of those provisions on the course's subject area; and
- a "thorough knowledge" of the course's subject area.

The Commission may withdraw its approval of an instructor for:

- a violation of the Kentucky real estate laws or regulations;
- falsification of material submitted to the Commission;
- failure to provide requested material to the Commission;
- engaging in brokerage activity with a student while acting as an instructor;
- soliciting an investment from a student; or
- attempting to recruit a student while acting as an instructor.

A continuing education instructor must maintain the "minimum rating" prescribed by the Commission, which requires, among other things, an 85 percent approval rating in the categories of "instructor knowledge" and "instructor presentation." See 201 Ky. Admin. Regs. 11:460 for details regarding the minimum rating requirements.

An instructor for a distance education course must be approved by the Commission. Each such course must have an approved instructor available to answer student questions. An individual applying for approval as an instructor must complete the course before submitting an application to the Commission and submit evidence of completion with the application.

An instructor may receive continuing education credit on an hour-for-hour basis. To obtain continuing education credit, the instructor must be included on the roster that lists all attendees that completed the course that is provided to the Commission. An instructor may not receive credit more than once in a calendar year for each specific course taught.

PRIOR APPROVAL REQUIREMENTS

Approval timing

At least 30 days before scheduling a continuing education course, the sponsor must submit to the Commission a completed "Continuing Education Schedule," identifying the course provider, title, number, instructor, date, time and location.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

For a distance education course, the student must pass a final exam with a score of at least 75 percent in order to receive credit. The final examination must have at least five questions for each approved hour of education. Each course must have an item bank from which the final exam question are pulled and which contains at least 40 percent more multiple choice items than required on the final exam.

Proctors

No relevant provisions were located.

Statute 324.010 amended 2015; § 324.085 amended 2019; regulations amended 2015.

[Ky. Rev. Stat. Ann. §§ 324.010, .085 \(2019\)](#); [201 Ky. Admin. Regs. 11:170, :175, :230, :232, :235, :460 \(2019\)](#)

[Kentucky, Continuing Education Requirements](#)

Note: As of November 30, 2019, the Real Estate Commission was in the process of significantly amending all its regulations related to continuing education requirements.

BROKER REQUIREMENTS

Exemptions

Continuing education requirements do not apply to brokers who were licensed before June 19, 1976.

An inactive-status licensee is not required to attend a continuing education course. However, before his or her license is changed from inactive to active, the licensee must complete Commission-required continuing education requirements, and if the licensee has not completed a Commission-approved core course in the previous four years, the core course must "become the current calendar year's continuing education requirement."

A license-recognition broker is not required to attend a continuing education course during the first calendar year in which he or she is first licensed in Kentucky.

Required hours

Unless exempt, all actively licensed agents must successfully complete six classroom hours of continuing education each year. Three of the six hours must be in "real estate law."

Once every four years, an active licensee must attend a Commission-approved core course, which must:

- satisfy the licensee's mandatory continuing education requirement for that year;
- consist of a six-hour comprehensive review of the requirements of chapter 324, the related regulations, and common and federal law relating to real estate, and the standards of practice for a real estate licensee; and
- be taken according to a specified schedule that is based on the licensee's birth month.

Hours in excess of the six-hour minimum may not be carried forward to the next year, and may not be used to reactivate a license.

Effective January 1, 2020, Kentucky is moving to a biennial licensing scheme. Licensees will be required to complete 12 hours of classroom or online continuing education during the two-year period, with six of those hours in real estate law. Six of the 12 hours must be completed in the first year of the license period, or the license will automatically be cancelled. "A licensee may accumulate additional continuing education hours for the biennial period in the first year of the biennial term."

Minimum class length

A continuing education course must "be in hourly increments," from one to six hours.

Subjects

Unless exempt, all actively licensed agents must successfully complete six classroom hours of continuing education each year, three hours of which must be in real estate law. Once every four years, an active licensee must attend a Commission-approved core course.

Hours of instruction in a prelicensing course may be applied towards the continuing education requirement in the year the course was taken, unless it is the licensee's year to complete the core course.

Attendance requirements

One hour of continuing education is allowed for each fifty minutes of actual attendance.

Online classes

No specifically relevant provisions were located.

Other requirements

Licenses expire annually, on a date determined by the Real Estate Commission. (Effective January 1, 2020, a licenses will expire biennially.) The Commission must renew a license, in the absence of any reason warranting refusal, upon the applicant's written request and payment of the required annual fees. The Commission will assess a fine not to exceed \$200 for failure to renew in a timely manner. A license not renewed at the end of the renewal year automatically reverts to expired status. A licensee may reactivate an expired before one year lapses, if the licensee pays the delinquent fees.

Renewal fees may include:

- a license renewal fee, not to exceed \$30 (\$60, effective January 1, 2020 for biennial renewal);

- a request for any change, not to exceed \$10;
- a recovery fund fee, not to exceed \$30 (\$60, effective January 1, 2020 for biennial renewal); and
- a criminal record check fee, not to exceed \$30.

A licensee must complete the mandatory continuing education requirements by December 31 of each calendar year and must submit proof of completion to the Commission on or before February 10 of the following calendar year.

If a licensee fails to comply with the continuing education requirements, his or her license will not be cancelled if the licensee pays a \$500 fine, enters into a written delinquency plan and either:

- places his license in escrow; or
- agrees in the delinquency plan that he or she will complete the requirements by June 15.

If a licensee fails to place his license in escrow or file a delinquency plan on or before February 10, his or her license is cancelled. However, the Commission must offer licensees who have failed to meet their delinquency plan conditions the opportunity to enter a final agreement, pursuant to which the licensee will pay a \$500 fine and agree to take the delinquent educational hours by June 15.

The Commission may waive the above time requirements if:

- a true hardship or other good cause clearly warrants relief; and
- the Commission receives a written request for extension by February 10 of the calendar year immediately following the year in which the licensee did not fulfill his or her continuing education requirements.

A licensee who attends continuing education in another state may receive approval for the course provided:

- that state's real estate regulatory agency approved the course for continuing education;
- the course is taken and completed during the calendar year for which credit is sought in Kentucky;
- the course "enables the licensee to better understand the real estate brokerage business" and meets the Kentucky content requirements; and
- the licensee submits proof of completion of the out-of-state course through a certificate and an Out of State Continuing Education Compliance form.

ASSOCIATE (OR OTHER) BROKER REQUIREMENTS

No relevant provisions were located.

SALES ASSOCIATE REQUIREMENTS

Generally, all real estate licensees must meet the same continuing education requirements (see "BROKER REQUIREMENTS" above), except that a licensee is not required to attend a continuing education course during the first two years from the date of issuance of an initial sales associate license.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

All statutes amended 2019; regulation 11:230 amended 2015; r. 11:170 amended 2015.

[Ky. Rev. Stat. Ann. §§ 324.085, .090, .287, .400 \(2019\); 201 Ky. Admin. Regs. 11:170, :230, :240 \(2019\)](#)

Kentucky, Licensing Categories

BROKER

A "broker" is a person who is licensed under § 324.046(1) and "performs acts of real estate brokerage." "Real estate brokerage" includes dealing in the following for consideration:

- time shares or options;
- "selling or offering for sale, buying or offering to buy, negotiating the purchase, sale, or exchange of real estate";
- engaging in property management; or
- "leasing or offering to lease, renting or offering for rent, or referring or offering to refer" to secure prospects, any real estate or its improvements.

ASSOCIATE [OR OTHER] BROKER

No relevant provisions were located.

SALES ASSOCIATE

A "sales associate" is a person licensed pursuant to § 324.046(2) who:

- is affiliated with a Kentucky-licensed principal broker; and
- engages in real estate brokerage under a principal broker's supervision.

SPECIALIST CATEGORIES

Property management

Although Kentucky statutes define "property management," as the "overall management of real property for others" for compensation, Kentucky statutes and regulation require only that a real estate licensee may not engage in property management without a current written property management agreement. No specialist's license is required.

Out-of-state property and time-shares

A licensee must obtain Commission approval to promote out-of-state property and time-shares, "even if exempted from other registration requirements."

In this context, "promotional activities" means an attempt to bring about the "sale, exchange, lease, assignment, license or award" with regard to one of the following real estate interests:

- a time-share estate;
- a vacation lease;
- a vacation license or club membership; or
- variations of the above that result in a person acquiring the right to use real property "for a limited period of time in recurring intervals for a number of years."

Section 324.010 amended 2015; regulation 11:245 amended 2001; r. 11:180 amended 2005.

[Ky. Rev. Stat. Ann. § 324.010 \(2019\); 201 Ky. Admin. Regs. 11:180, :245 \(2019\)](#)

Kentucky, Licensing Exemptions

The Kentucky real estate licensing requirement does not apply to:

- a person who, as owner or lessor, performs a real estate act with reference to property owned or leased by him or her (or his or her regular employees), if the acts are performed in the regular course of managing and investing in the property;
- a person acting as an attorney-in-fact under a power of attorney from the owner;
- an attorney-at-law acting as such;
- a receiver, bankruptcy trustee, administrator or executor;
- a person selling real estate under a court order;
- a trustee acting under a trust agreement, deed of trust, or will (or the trustee's regular salaried employees);
- a person engaged in property management, if he or she (a) is a regular employee of the owner or principal broker of the property-management company; or (b) receives "as his primary compensation the use of a rental unit"; or
- a nonlicensed person under a broker's supervision who contacts the public to set an appointment for the broker to meet with them regarding buying or selling property and who gives out general public information as authorized by the broker.

Section amended 2000.

[Ky. Rev. Stat. Ann. § 324.030 \(2019\)](#)

[Kentucky, Licensing Prerequisites](#)

Note: As of November 30, 2019, the Real Estate Commission was in the process of significantly amending its regulations related to licensing.

BROKER QUALIFICATIONS

Education

Real estate licensees must have a high school diploma or its equivalent. In place of a high school graduation or a GED diploma, an applicant may submit an official transcript from a United States institution, or certain institutions outside of the United States, indicating the completion of a degree program at a post-secondary institution or the successful completion of 28 academic semester hours from a post-secondary institution. An applicant must provide a translation for a transcript that is not in English.

Every broker's license applicant must have successfully completed at least 21 academic credit hours from an accredited institution or approved real estate school. Twelve hours must be in "real estate courses," three hours of which must be a broker management skills course.

The academic content of a real estate course must "specifically focus on real estate." The course must be for academic credit, and applicants may not submit the same course or essentially the same course twice for licensure credit. To obtain the [Kentucky Real Estate Commission's](#) approval for credit, an applicant must provide the Commission with a course description using the "school catalog, course syllabus, table of contents from text used in the course," or other course summary. If an applicant disagrees with the education director's decision, the applicant may indicate his or her disagreement in writing within 10 days from the rejection notification and request review by the entire Commission. In that situation, the applicant must provide a written summary detailing why credit is merited.

An "academic credit hour" means:

- one college semester hour; or
- sixteen 50-minute hours of classroom attendance.

Broker management course

Every broker's license applicant must attend a brokerage management skills course of three academic credit hours, which must:

- satisfy three hours of the applicant's twelve-hour broker prelicense education course requirement;
- be a "three (3) academic hour comprehensive review of all the skills necessary to run a brokerage office" in accordance with relevant Kentucky, common and federal real estate laws and the standards of practice for a broker regarding adequate supervision of affiliated sales associates;
- require each student to develop a sample business plan, financial plan and office policy and procedure manual. The completed projects must be submitted within one year of the completion of the coursework; and
- require each successful student to take a comprehensive, closed-book examination of at least 75 multiple-choice questions and to pass the test with a score of at least 75 percent. One retake of the examination will be permitted.

Service in "lower" category

A broker's license applicant must have been engaged in the real estate business as a sales associate for an average of at least 20 hours per week for a 24-month period before the application date, as shown by a sworn and notarized statement signed by the principal broker or other satisfactory documentation.

Waiver of qualifications for some professionals

The Commission may reduce the two-year experience requirement to one year, if the applicant has:

- an associate degree in real estate; or
- a baccalaureate degree with a real estate major or minor.

An applicant who holds an active real estate license issued by another jurisdiction within the United States may apply for a Kentucky license by first:

- completing the application forms;
- passing the state law portion of the licensing examination; and
- fulfilling all other pre-license qualifications.

Annual fees and filings

Real estate licenses expire annually on March 31. **(Effective January 1, 2020, licenses will expire biennially.)** The Real Estate Commission must renew a license, in the absence of any reason warranting refusal, upon the applicant's written request and payment of the required annual fees. The Commission will assess a fine not to exceed \$200 for failure to renew in a timely manner. A license not renewed at the end of the renewal year automatically reverts to expired status. A licensee may reactivate an expired license before one year lapses, if the licensee pays the delinquent fees.

Renewal fees may include:

- a license renewal fee (\$60, effective January 1, 2020, for biennial renewal);
- a request for any changes to license (\$10);
- a recovery fund fee, not to exceed \$30 (\$60, effective January 1, 2020, for biennial renewal); and
- a criminal record check fee.

A licensee must complete the mandatory continuing education requirements by December 31 of each calendar year and must submit proof of completion to the Commission on or before January 15 of the following calendar year.

Licensees must notify the Commission in writing of:

- a change of principal business location;
- a firm name change;
- a sales associate's transfer from one principal broker to another; or
- a surname change.

A licensee must also notify the Commission in writing of a residence address change within ten days.

Applicant investigation

The Commission may grant a license only to persons who are "trustworthy and competent to transact the business of a broker or sales associate in a manner to safeguard" the public's interests.

Applicants are subject to a national criminal history check through the Federal Bureau of Investigation. The applicant must request the criminal history check and provide his or her fingerprints to either the Federal Bureau of Investigation or the Kentucky State Police. The applicant must:

- Authorize release of the results of the criminal history check to the commission;
- Pay the actual cost of the fingerprinting and criminal history check;

- Complete the criminal history check within the 90 calendar days prior to the date his or her license application is received by the Real Estate Commission; and
- Complete and return to the commission within 120 days a signed affidavit verifying that there is nothing on record to prohibit the applicant from being licensed.

Upon receipt of an identification record that reveals a felony conviction, or a misdemeanor conviction during the previous five years, the Commission must investigate the conviction and may investigate "any charges that are revealed by the identification record or any other evidence of [the applicant's] dishonesty, untruthfulness, or bad reputation." The Commission may order the applicant to appear before the Commission for a hearing. The hearing must consider:

- the crime's nature;
- whether "the crime indicates the applicant's untrustworthiness or incompetence in a manner that threatens the public interest";
- evidence of the applicant's honesty, truthfulness and good reputation;
- evidence of rehabilitation;
- whether the applicant has received written confirmation from a principal broker willing to accept him or her as an associate;
- whether the applicant is currently under probation, parole, or other state supervision; and
- other information related to the applicant's "fitness to broker real estate."

Examinations

The brokerage management skills course must, among other things, require each successful student to take a comprehensive, closed-book examination of at least 75 multiple choice questions and to pass the test with a score of at least 75 percent. The provider must submit the examination to the Commission for approval before its use in the course, and the Commission must review each proposed examination for content to ensure that each course topic is covered and tested.

Every real estate license applicant must pass a required prelicensing examination and pay an examination fee. An applicant who successfully passes the real estate examination must apply for a license within 60 days after the examination. A candidate who fails to apply for a license within that period must retake the examination.

Other prerequisites

A real estate license applicant must:

- state whether he or she has ever had a broker's or sales associate's license revoked or suspended;
- furnish a sworn statement setting forth his or her business and residence addresses;
- apply in writing on forms prepared by the Commission;
- state the name of the person or company with which he or she will be associated in the real estate business and the location for which the license is desired;
- set forth any time period during which he or she has been engaged in the real estate business;
- be at least 18 years of age;
- have attained a high school diploma or its equivalent; and

- pass the required test.

All real estate licensees, except those whose licenses are inactive, must carry errors and omissions insurance, which must meet the requirements set forth in 201 Ky. Admin. Regs. 11:220. Inactive licensees must obtain extended reporting period coverage insurance for one year at the then current minimum requirements prior to entering inactive status.

An applicant who has held a real estate license in another jurisdiction, whether that license is currently active or canceled, must furnish a certification of good standing issued by the jurisdiction. The certification must include the individual's license history and any disciplinary information available.

The following fees may apply to an initial licensure:

- an examination fee (\$100);
- an original license application fee (\$60, effective January 1, 2020 for biennial renewal);
- a recovery fund fee, not to exceed \$30 (\$60, effective January 1, 2020 for biennial renewal); and
- a criminal record check fee.

ASSOCIATE (OR OTHER) BROKER QUALIFICATIONS

No relevant provisions were located.

SALES ASSOCIATE

Education

Real estate licensees must have a high school diploma or its equivalent. In place of a high school graduation or a GED diploma, an applicant may submit:

- an official transcript from a United States institution, or certain institutions outside of the United States, indicating completion of a degree program at a post-secondary institution; or
- a transcript from a United States institution, or from certain institutions outside of the United States, indicating successful completion of 28 academic semester hours from a post-secondary institution.

A sales associate's license applicant must have successfully completed six academic credit hours or their equivalent in real estate courses from an accredited institution or approved real estate school.

The academic content of a real estate course must "specifically focus on real estate." The course must be for academic credit, and applicants may not submit the same course or essentially the same course twice for licensure credit.

To obtain the Commission's approval for course credit, the applicant must provide the Commission with a course description using the "school catalog, course syllabus, table of contents from text used in the course," or other course summary. If an applicant disagrees with the education director's decision, the applicant may indicate his or her disagreement in writing within 10 days from the rejection notification and request review by the entire Commission. In that situation, the applicant must provide a written summary detailing why credit is merited.

An "academic credit hour" means:

- one college semester hour; or
- sixteen 50-minute hours of classroom attendance.

Post-license education requirements

Effective January 1, 2016, a sales associate must complete 48 classroom or online hours of Commission-approved post-license education within two years of receiving or activating his or her license. See generally [Ky. Real Estate Comm'n, Post-License Education Overview \(last visited Oct. 28, 2019\)](#)

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

An applicant who holds an active real estate license issued by another jurisdiction within the United States may apply for a Kentucky license by first:

- completing the application forms;
- passing the state law portion of the licensing examination; and
- fulfilling all other pre-license qualifications.

Annual fees and filings

All real estate licensees are subject to the same annual fees and filing requirements. (See "BROKER REQUIREMENTS" above.)

Applicant investigation

All real estate licensees are subject to the same applicant investigation provisions. (See "BROKER REQUIREMENTS" above.)

Examinations

Every real estate license applicant must pass a required prelicensing examination and pay an examination fee. An applicant who successfully passes the real estate examination must apply for a license within 60 days after the examination. A candidate who fails to apply for a license within this period must retake the examination.

Other prerequisites

All real estate licensees are subject to the same other prerequisites. (See "BROKER REQUIREMENTS" above.)

SPECIALIST QUALIFICATIONS

Out-of-state properties and time share registration

Education

No specifically relevant provisions were located.

Service in "lower" category

No specifically relevant provisions were located.

Waiver of qualifications for some professionals

The out-of-state properties and time-share registration does not apply to making an offer or disposing of any out-of-state property that is by:

- an owner in a single or isolated transaction;
- a government or governmental agency; or
- a court order.

The following are also exempt:

- an applicant who has been granted an exemption by the Commission because their promotional activities involve such a small amount of property that the public interest and protection of purchasers is deemed unnecessary; and
- an applicant who has registered under the Federal Interstate Land Sales Full Disclosure Act, upon the filing with the Commission of a copy of "an effective statement of record filed with the Secretary of Housing and Urban Development."

Annual fees and filings

No specifically relevant provisions were located.

Applicant investigation

No specifically relevant provisions were located.

Examinations

No specifically relevant provisions were located.

Other prerequisites

A licensee who engages in promotional activities in Kentucky for property located outside of Kentucky must first apply to the Commission for its approval and must comply with all relevant regulations, statutes, restrictions and conditions the Commission may impose. To obtain Commission approval, an applicant must file with the Commission a completed "registration of out-of-state properties and time share" form, which must set forth the following:

- the property's legal description;

- the names of developers, owners and persons involved in promotional activities;

- the offering type;

- the form of property ownership;

- any encumbrances on the property;

- the current and anticipated improvements, taxes, assessments, facilities and services offered or to be offered;

- a description of the promotional activities to be conducted in Kentucky;

- a consent to service of process;
- copies of all "sales contracts, agreements, option forms, lease forms, and the prospectus currently used for the property"; and
- a consent to inspection.

Entities

If the applicant is a corporation, it must submit:

- a copy of the Articles of Incorporation, with all amendments; and
- a list of the names and addresses of officers and directors with their principal occupation; and
- if an out-of-state corporation, a Certificate of Authority.

If the applicant is a partnership or association, it must submit a copy of the Articles of Partnership.

Section 324.040 amended 1992; § 324.142 amended 2000; §§ 324.085, .090, .287, .310, .330, .395 and 324.400 amended 2019; § 324.046 amended 2004; §§ 324.045 and 324.141 amended 2009; r. 11:011 amended 2014; r. 11:180 amended 2005; r. 11:430 amended 2006; r. 11:220 amended 2013; r. 11:210 amended 2013; r. 11:450 amended 2009; r. 11:225 amended 2012; .

[Ky. Rev. Stat. Ann. §§ 324.040, .045, .046, .085, .090, .141, .142, .287, .330, .395, .400 \(2019\); 201 Ky. Admin. Regs. 11:011, :180, :210, :220, :225, :430, :450 \(2019\)](#)

Louisiana

Louisiana, Continuing Education Approval

PROVIDER

General requirements

The [Louisiana Real Estate Commission](#) ("Commission") issues certifications for real estate schools, real estate education vendors and real estate instructors. A "real estate school" is an individual or entity certified to provide real estate prelicense, post-license and continuing education courses. A "real estate education vendor" is an individual or entity certified to provide post-license or continuing education courses.

The Commission may not certify, or accept credit hours from, a real estate school or continuing education vendor in which a legislator, a Commission member or his or her immediate family holds a substantial economic interest.

An individual or entity desiring to conduct business in Louisiana as a real estate school, an education vendor or instructor must file an application with the Commission for a Certificate of Authority.

Louisiana colleges and universities schools that provide real estate courses as part of a regular curriculum are not required to apply for certification. However, if the courses are offered through a continuing education division, the college or university must obtain certification. State vocational-technical schools and parish schools boards that provide real estate courses must be certified and meet the real estate school requirements.

The Commission may not issue a certificate to a school that holds a broker's license and that is "designed, intended and/or primarily used for instruction of that same broker/owner's future salesperson or broker affiliates."

A brokerage firm may not operate a real estate school and a brokerage firm under the same legal entity. A real estate school may not be operated in an office that is also used to operate a brokerage firm.

Approval applications

A school's approval application must be in the Commission-prescribed form and accompanied by the appropriate fees. The certificate expires annually on December 31, unless renewed.

The Commission may deny a certification application if:

- the applicant has been "convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or theft, or has been convicted of a felony or crime involving moral turpitude";
- the application contains a "false statement of material fact"; or
- the applicant's professional license or certification has been revoked.

Course approval

A real estate school or education vendor must also file a course approval application for each course that it will offer for credit toward an initial or renewal real estate license. The course approval application must be in the Commission-prescribed form and accompanied by the appropriate processing fee. The course approval remains active for three years and expires on December 31 of the third year, unless renewed. The Commission will not accept credit for a non-renewed course that is presented after its expiration date.

A licensed vendor is exempt from the continuing education approval processes as set forth in the Louisiana Administrative Code or prescribed by the Commission when seeking approval of the following:

- courses offered to obtain certifications or designations awarded by the National Association of REALTORS® or its affiliated institutes, societies, and councils; and
- live courses offered once a year in any one location and in conjunction with a conference, meeting, forum, or similar event held or sponsored by a state or local real estate trade association, or any institutes, societies, or councils affiliated with a state or local real estate trade association.

In order for licensees to earn continuing education credit for such courses, the vendor of the course must submit the course for approval pursuant to the process set forth La. Rev. Stat. § 37:1461.1.

Similarly, any state department, office, board, or commission seeking to offer any course for continuing education credit for real estate licensees must submit the course for approval pursuant to La. Rev. Stat. § 37:1461.1 and is exempt from course and instructor approval requirements.

Distance learning course approval

Prelicense, post-license and continuing education courses may use classroom training led by an instructor and "held in a physical location or delivered via a network." Correspondence courses may be used for post-license or continuing education credit, but the student must pass an examination on course content. "Distance education", which means "interactive Internet-based instruction," may be used for prelicense, post-license and continuing education courses.

Real estate schools and vendors that offer distance education courses must apply for course approval as follows:

- the school or vendor must submit distance education courses to the Commission for "content approval" before any course offering; and
- the school or vendor must submit Commission-approved distance education courses to the Association of Real Estate License Law Officials for delivery-method certification.

Final examinations for correspondence and distance education courses must consist of multiple choice questions with four possible answers and at least 20 questions for each two hours of continuing education credit. The examination must include a signed and dated statement that the student personally completed the course and examination.

A school or provider must:

- submit courses for approval "in the exact format in which they will be sold to licensees" for post-licensing or continuing education credit;
- obtain the "student's name, driver's license or identification number, address, and payment" before the student receives the course;

- may not grade a written assignment or examination if it is presented for grading before the time for course completion;
- may not grade an examination that does not contain the required signed certification;
- must certify students as successfully completing a course only if the student completes a written assignment and passes the required examination; and
- must issue students certificates containing specified information, as set forth in regulation 5535.

Advertising

Advertising by real estate schools and education vendors:

- may not be false or misleading, and the Commission may require proof of any advertising claims;
- must state that the vendor is certified by the Commission and include the vendor certification number;
- must be in the name of the real estate school as certified;
- if it includes price quotes, must accurately reflect the total cost, including any required books and materials; and
- may not be combined with any advertising for a real estate brokerage business.

Student records

A real estate school or education vendor must:

- maintain "accurate and properly indexed records on all students for at least five years after course completion"; and
- produce those records for inspection upon the Commission's request.

The school or vendor must maintain any electronic records "in a readily available format that does not prohibit, delay, or otherwise impede inspection."

Each student's record must include the following:

- name and address;
- total classroom hours taken;
- course title;
- attendance dates;
- test scores or an indication of whether the student passed or failed;
- method of completion; and
- a copy of the student contract.

The school or vendor

- must provide a student, upon his or her request, a duplicate copy of his or her course completion record, for which it may charge a fee; and
- may not provide the names of potential licensees or students to anyone other than the Commission.

Certificates of completion

However, the school or vendor must issue certificates to students containing the following information:

- name and certification number of the vendor;
- name of the student as licensed with the Commission;
- real estate license number;
- number of credit hours completed;
- course title as approved by the Commission;
- date of course completion;
- signature of authorized representative; and

- method of delivery.

Other submissions

Certification applicants must also:

- obtain a surety bond as described in detail in regulation 5303; and
- designate a contact person, who has the duty to ensure that the school's or vendor's operations and training locations meet the applicable statutory and regulatory requirements and who is responsible to the Commission for any violations.

Schools and vendors must submit continuing and post-license education course schedules and attendance verification reports to the Commission. The Commission must receive the course schedules at least 10 calendar days before the beginning of each month.

CONTENT

Real estate schools and education vendors may not amend an approved course's title or outline without first obtaining the Commission's written approval and paying the appropriate processing fee. A school or vendor must amend each course as necessary to provide for any applicable law or rule change that is enacted during the course approval period, and no fee is required in that case.

Generally, continuing education courses must pertain to the laws, rules and regulations related to:

- licensing;
- appraisal;
- finance;
- taxes;

- zoning;
- environmental quality;
- property management; and
- federal laws affecting real estate, such as HUD and fair housing provisions.

The Commission specifies an annual minimum four-hour continuing education course topic and curriculum that licensees must complete each license period as a renewal requirement. Mandatory course instructors must have a current instructor certification and must have completed the annual *Train the Trainer* instructor workshop developed specifically for each mandatory course topic.

The Commission's rules generally may not require passage of an examination in order to satisfy the continuing education requirement, and the Commission "shall offer courses sufficient to satisfy the continuing education requirement at no charge to the licensee." A student may use correspondence courses for post-license or continuing education credit, but he or she must pass an examination on the course's content.

Continuing education courses offered by real estate schools and education vendors must be a minimum of two hours. Real estate schools may not incorporate continuing education and pre-license education instruction.

MATERIALS

A school's written contract with each student must clearly set forth the tuition and fees for a specific course and the school's refund policy. The school must provide a copy of the signed contract to each student. Any additional fees charged for supplies, materials, or required books must be clearly itemized in the school contract and must become the students' property upon payment.

INSTRUCTOR QUALIFICATIONS

An instructor-certification applicant must pass a "real estate instructor assessment examination" and must have at least one of the following qualifications:

- a bachelor's degree with a real estate major from an accredited college or university;

- a bachelor's degree from an accredited college or university and at least two years' experience in the real estate business;
- a broker's license and at least five years' experience in the instruction area;
- a Juris Doctorate degree from an accredited law school and at least three years' experience in the instruction area;
- two years' experience as a qualified instructor or professor in the business, finance or economics department of an accredited college or university; or
- any other qualifications the Commission determines to be the equivalent of at least one of the above qualifications.

A guest lecturer must have at least one of the following qualifications:

- be a college or university professor in real estate, finance, economics or a related field;
- be a "specialist with a degree or professional designation with expertise" in the specific instruction topic; and
- have a real estate license and at least five years' experience in the instruction area.

An instructor's annual renewal requires 12 hours of approved continuing education, including the four-hour Commission-mandated course, to be completed during the current certification period.

PRIOR APPROVAL REQUIREMENTS

Approval timing

Real estate schools and vendors that offer distance education courses must apply for course approval before any course offering. Real estate schools and education vendors may not amend the title or outline of any approved course without first obtaining the Commission's written approval.

If a school or vendor fails to renew its certificate by December 31,

- all course approvals are automatically suspended; and
- the Commission will not accept for credit any continuing education courses offered after the certificate's expiration date.

Also, the Commission will not accept credit for a non-renewed course that is presented after its expiration date.

Approval after class date

The Commission will consider credit for continuing education course work completed through nonapproved providers on an individual basis. Licensees seeking such approval must submit documentation of attendance, hours completed, attendance date and detailed course information.

EXAMINATION

Examination requirements

A student must pass an examination on the content of any correspondence courses. Final examinations for correspondence and distance education courses must consist of multiple choice questions with four possible answers and at least 20 questions for each two hours of continuing education credit. The examination must include a signed and dated statement that the student personally completed the course and the examination.

The Commission may require passage of an examination to satisfy continuing education requirements.

Proctors

No relevant provisions were located.

Section 1460 amended 1989; § 1437 amended 2016; § 1461.1 enacted 2019; all regulations

amended or re-promulgated 2011; rule 5519 amended 2012.

[La. Rev. Stat. Ann. §§ 37:1437, :1460, :1461.1 \(2019\); La. Admin. Code tit. 46, §§ 5501, 5503, 5505, 5507, 5509, 5511, 5519, 5535 \(2019\)](#)

Louisiana, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

An inactive licensee is not required to fulfill the continuing education requirement on a yearly basis, but must complete specified continuing education requirements to activate his or her license.

A licensee who is inducted into military service or who is in the military and transferred out-of-state may, upon evidence of honorable service, renew his or her license, without penalty, provided he or she files the renewal application within six months following discharge. This waiver extends to the spouses of those persons who were licensed at the time of induction or transfer.

The Commission may enter into a reciprocal agreement with any other state to permit a licensed resident of that state to obtain an equivalent Louisiana non-resident license, provided the other state agrees to grant a non-resident license to Louisiana licensees. The applicant must comply with certain requirements, including, among other things, paying the required fees, but no provision was located requiring the applicant to meet the Louisiana education or experience requirements.

The Commission may consider for continuing education credit course work completed at:

- colleges and universities;

- national appraisal organizations;

- the National Association of Realtors' societies, institutes and councils;

- the National Association of Real Estate Brokers; and

- federal, state and local governmental entities.

Required hours

In order to renew a license, a licensee must furnish proof of completing twelve hours per year of continuing education, a minimum of four hours of which must be in the mandatory topic and curriculum mandated annually by the Commission.

Upon application to return to active status, an inactive licensee must have completed the following continuing education requirements:

- if inactive from one to three years, 20 hours of continuing education; and
- if inactive from three to five years, 40 hours of continuing education.

If the licensee remains inactive for two to five renewal periods, he or she must complete a four-hour course on Louisiana real estate license laws and regulations, which course must be completed within one year before the date the license transfers to active status.

Licensees remaining inactive for longer than five years must complete a maximum of 80 hours of approved continuing education during the five-year period immediately before the request to return to active status. That education must include a four-hour course on Louisiana real estate license law and regulations completed within one year before the license transfers to active status. An applicant who has continued to obtain continuing education in the required areas during his or her inactive period may cumulate those hours and reactivate his or her license at any time.

See "Licensing Prerequisites" for educational requirements that apply to the first year of licensure. A licensee may use first-year education classes in the year completed for eight of the annual twelve required hours, except that post-licensing hours may not be applied towards the four-hour mandatory topic.

Minimum class length

Continuing education courses offered by real estate schools and education vendors must be "a minimum of two hours."

Subjects

Generally, continuing education courses must pertain to laws, rules and regulations related to:

- licensing;

- appraisal;
- finance;
- taxes;
- zoning;
- environmental quality;
- property management; and
- federal laws affecting real estate, such as HUD and fair housing provisions.

The Commission specifies mandatory subjects for a minimum of four of the required continuing education hours.

Real estate schools may not incorporate continuing education instruction with pre-license education instruction.

Attendance requirements

No specifically relevant provisions were located.

Online classes

A student may use correspondence courses for post-license or continuing education credit, but he or she must pass an examination on the course's content.

A school or vendor of a correspondence or distance education courses, among other things,

- may not grade a written assignment or examination if it is presented for grading before the time for course completion;
- may not grade an examination that does not contain the required signed certification;
- must certify students as successfully completing a course only if the student completes a written assignment and passes the required examination; and
- must issue students certificates containing specified information, as set forth in regulation 5535.

Other requirements

A license is issued for a one-year period, expires on each December 31 and must be renewed annually. A licensee who fails to renew in a timely manner may renew during the three months immediately following the expiration date by:

- paying the appropriate renewal and delinquent fees; and
- filing a completed renewal application.

If a licensee fails to renew an expired license during the six-month delinquency period, he or she must apply as an initial applicant.

An inactive licensee must renew his or her license on a yearly basis by filing the required renewal application and paying the annual inactive renewal fee.

The renewal fee is \$70 for an active broker's license and \$35 for an inactive broker's license. In addition to the renewal fee, if a licensee does not renew his or her license by December 31, the renewal applicant must pay an additional fee of \$50 if he or she applies between January 1 and February 15 and \$200 if he or she applies between February 16 and June 30. The Commission may also charge, upon initial issuance or renewal of every real estate license, an amount not to exceed \$10 per year for the education fund.

A licensee must notify the Commission in writing within 10 days of any change in business address or telephone number.

ASSOCIATE BROKER REQUIREMENTS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements (see "BROKER REQUIREMENTS" above), except the renewal fee is \$35 for an active or inactive salesperson's license.

SPECIALTY LICENSE REQUIREMENTS

Timeshare registrants

No specifically relevant provisions were located, except timeshare registrants who fail to renew in a timely manner may renew within six months of the registration's expiration upon payment of a delinquency renewal fee, but certain registered developers of timeshare projects who fail to renew timely will no longer be qualified.

The relevant timeshare renewal registration fees are as follows:

- a timeshare developer renewal fee of \$70;
- a timeshare interest salesperson renewal fee of \$35; and
- delinquent fees, if renewed between January 1 and February 15 of \$50, and if renewed between February 16 and June 30 of \$200.

Section 1461 amended 1989; § 1437.3 amended 2016; § 1442 amended 2007; § 1443 amended 2016; § 37:1437 amended 2016; all regulations amended or repromulgated in 2011.

[La. Rev. Stat. Ann. §§ 37:1437, :1437.3, :1442, :1443, :1461 \(2019\); La. Admin. Code tit. 46, §§ 3101, 4701, 4901, 4903, 5507, 5509, 5535 \(2019\)](#)

Louisiana, Licensing Categories

OVERVIEW

Louisiana classifies initial license applications as follows:

- salesperson licenses;
- broker-individual licenses; and
- broker-corporation, partnership, and limited liability company licenses.

BROKER

A "broker" is a licensed "real estate broker performing activities as an individual real estate broker, a sponsoring broker or designated qualifying broker, or a corporation, partnership, or limited liability company which has been granted a real estate license through a designated qualifying broker."

A real estate activity is any of the following that relates to a portion of a real estate transaction performed for another and for consideration:

- "[s]ells, exchanges, purchases, manages, rents, or leases or negotiates the sale, exchange, purchase, rental, or leasing of real estate";
- offers, attempts or agrees "to negotiate the sale, exchange, purchase, management, rental, or leasing of real estate";
- lists or offers, attempts or agrees to list real estate or real estate improvements;
- deals in real estate options;

- advertises or holds himself or herself out as engaged in the real estate business;
- assists or directs in procuring prospects or negotiating or closing a real estate transaction;
- charges an advance fee or contracts for collecting a fee in connection with any contract "whereby he undertakes primarily to promote the sale, exchange, purchase, rental, or leasing of real estate through its listing in a publication issued primarily for such purpose, or for referral of information concerning such real estate to brokers, or both";
- sells, attempts to sell, or offers or attempts to negotiate the sale of any business whose assets include real estate or real estate leases; and
- lists or offers, attempts or agrees to list for sale a business whose assets include real estate or real estate leases.

ASSOCIATE BROKER

An "associate broker" is "a person who holds a broker's license and who is exclusively affiliated with and sponsored by another licensed real estate broker to participate" in any real estate activity.

SALESPERSON

A "salesperson" is "a person, other than an associate broker, sponsored by a licensed real estate broker to participate" in any real estate activity.

SPECIALIST CATEGORIES

Timeshare registrants

A "timeshare developer" is "an individual, partnership, limited liability company, corporation, or other legal entity, or the successor or assignee thereof, who creates a timeshare plan or who is in the business of making sales of timeshare interests which it owns or purports to own." A "timeshare interest salesperson" is a person who "directly sells or offers to sell" a timeshare interest. "Timeshare registrant" includes either a registered timeshare interest salesperson or timeshare developer.

Section 37:1437.1 amended 2016; § 37:1431 amended 2015; regulation amended 2011.

Louisiana, Licensing Exemptions

Louisiana's real estate licensing laws do not apply to the following:

- an unlicensed person or entity, other than one in the business of selling or managing timeshare interests, that is the owner or lessor of the property and performing acts of ownership regarding the property, either individually or through an employee or representative;
- an attorney-at-law acting on behalf of a client in the normal course of legal representation;
- a receiver, bankruptcy trustee, administrator, executor, tutor or civil sheriff;
- a trustee selling under a deed of trust or mortgage;
- an individual or entity that "sells, exchanges, leases, or manages its own property," except those in the business of selling timeshare interests;
- a salaried person, employed by a broker for an owner of real estate the broker has contracted to manage, provided the employee's employment is limited to the following: delivering a lease application, lease, or lease amendment; receiving a lease application, lease, lease amendment, security deposit or a rental payment; showing a rental unit to a person pursuant to the broker's instruction; providing information about a rental transaction; and assisting in property management functions by carrying out administrative, clerical or maintenance tasks;
- a person employed by a housing authority to manage its property or a person managing property of the Department of Housing and Urban Development; or
- a person managing agricultural property.

Section amended 2016.

[La. Rev. Stat. Ann. § 37:1438 \(2019\)](#)

Louisiana, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

An individual real estate licensee must be a high school graduate or hold a certificate of high school equivalency.

An individual broker's license applicant must have satisfactorily completed at least 150 hours of instruction in approved real estate courses, at least 30 hours of which must emphasize broker's responsibilities. Accordingly, a broker's prelicense course includes:

- a 90-hour course on "basic real estate fundamentals";
- a 30-hour course that includes, and is limited to, Louisiana real estate licensing law, the Commission's rules and regulations, agency law, civil law (as it relates to real estate transactions) and "ethics and professionalism"; and
- a 30-hour course on broker responsibilities.

Real estate schools may not issue prelicense education credit for post-license or continuing education courses.

"Satisfactory completion" includes passing an examination on course contents.

First-year educational requirements

A licensee must complete 45 hours of post-licensure education within 180 days of receiving his or her license. The post-licensing hours may be applied in the year completed towards eight of the twelve hours required annually, except that the post-licensing classes may not be used to satisfy the four hour mandatory continuing education topic.

The post-license hours must be in subjects required by the [Real Estate Commission](#), including, but

not limited to, changes in laws and regulations, finance, appraisal, environmental quality, property management, taxes, zoning, and federal laws affecting real estate such as HUD and fair housing regulations.

Real estate schools and education vendors may not issue credit for a post-license education course unless the student has passed an examination on the course content.

The Commission may consider course work completed at the following for post-license education credit:

- colleges and universities;
- national appraisal organizations;
- the societies, institutes and councils of the National Association of Realtors;
- the National Association of Real Estate Brokers; and
- governmental entities.

Service in "lower" category

Applicants for a broker's license must have been licensed for four years, with two of the four years occurring immediately preceding submission of a broker application.

Waiver of qualifications for some professionals

The Commission:

- may accept real estate-related credit hours from an accredited college or university as a "partial substitution" of the broker licensing educational requirement; and

- may accept experience in the real estate business (or related fields) as credit toward fulfilling the education requirements.

The Louisiana real estate licensing laws do not apply to:

- a registered timeshare developer who is "solely acting for itself as sole owner or sole lessor with reference to real estate solely owned or solely leased by the developer or a registered affiliated entity or registered wholly-owned subsidiary of the developer"; or
- an existing timeshare owner who, for compensation, refers prospective purchasers, provided the owner refers no more than 20 prospective purchasers in any calendar year and meets other specified requirements.

Annual fees and filings

A license is issued for a one-year period, expires on December 31 and must be renewed annually.

A licensee who fails to renew in a timely manner may renew during the six months immediately following the expiration date by:

- paying the appropriate renewal and delinquent fees; and
- filing a complete renewal application.

If a licensee fails to renew an expired license during the six-month delinquency period, he or she must apply as an initial applicant.

An inactive licensee must renew the inactive license on a yearly basis by filing the required renewal application and paying the annual inactive renewal fee.

The renewal fee is \$70 for an active broker's license and \$35 for an inactive broker's license.

In addition to the renewal fee, if a licensee does not renew his or her license by December 31, the renewal applicant must pay an additional fee of \$50 if he or she applies between January 1 and

February 15 and \$200 if he or she applies between February 16 and June 30.

In addition to the initial license fees, except in the case of a timeshare interest sales registration, the Commission may levy a fee upon renewal in an amount needed to provide for "the reasonable administration of the recovery fund" and to provide for the replacement of payments out of the recovery fund so that it retains the required minimum level of \$400,000. Also, the Commission may charge, upon initial issuance or renewal of every real estate license issued after January 1, 1979, an amount not to exceed \$10 per year to be included in the education fund.

A licensee must notify the Commission in writing within 10 days of any change in business address or telephone number.

Applicant investigation

No specifically applicable provisions were located. However, the Commission may grant licenses only to persons or entities "who bear a good reputation for honesty, trustworthiness, integrity, and competence to transact real estate activities" in a manner that safeguards the public's interest, and "only after satisfactory proof of such qualifications has been presented."

The Commission may refuse to grant a license if an applicant:

- has been convicted of "forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or theft," or a felony or crime involving "moral turpitude";
- has made a false statement of material fact on his application; or
- has "[g]rounds for suspension or revocation of a real estate license in Louisiana or any other jurisdiction, or the previous suspension or revocation, of a real estate license in Louisiana or any other jurisdiction."

Examinations

"Satisfactory completion" of a prelicensing course includes passing an examination on course contents, and real estate schools and education vendors may not issue credit for a post-license course unless the student has passed an examination on the course content.

An applicant must also show "professional competency" by passing an examination that tests

technical and professional subjects related to the real estate business. Either the Department of State Civil Service or a national testing service conducts, administers and scores the examinations.

The Commission issues each eligible applicant an examination authorization, which expires 90 days after its issue date.

An applicant who fails an examination may apply to retake it by submitting a copy of his or her failure notice and another examination processing fee to the Commission within 90 days. If the applicant does not reapply for the examination within the 90-day period, he or she must submit a new application.

An applicant who does not pass both portions of the examination must retake only the failed portion. The score on the passed portion remains valid for one year, after which the applicant must retake that portion.

Other prerequisites

Generally, an initial license application must be in the form prescribed by the Commission and accompanied by the appropriate fees.

A license application must include:

- the applicant's name and address and the name under which he or she intends to conduct business;
- the place or places where business is to be conducted; and
- any other information the Commission requires.

An individual applicant must:

- be at least 18 years old;
- be a high school graduate or hold a certificate of high school equivalency; and

- submit a sworn statement attesting that he or she knows and understands the provisions of the Fair Housing Act of 1968 and the Louisiana Equal Housing Opportunity Act, and that he or she will "not induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into an area, subdivision, or neighborhood of a person or persons of a particular race, color, religion, or national origin."

The initial fee is \$120 for an individual's or entity's real estate broker's license and \$45 for a branch office license.

In addition to the initial license fees, except in the case of a timeshare interest sales registration, the Commission may levy a fee in an amount needed to provide for "the reasonable administration of the recovery fund" and to provide for the replacement of payments out of the recovery fund so that it retains the required minimum level of \$400,000. Also, the Commission may charge, upon initial issuance or renewal of every real estate license issued after January 1, 1979, an amount not to exceed \$10 per year to be included in the education fund.

All active licensees must also carry errors and omissions insurance to cover all real estate activities.

An initial license application must be submitted with the following documentation:

- proof of completion of the required instruction hours;
- a license history verification from each jurisdiction in which the applicant has held or currently holds a license;
- verification of passing an equivalent examination if the applicant is or was licensed in another jurisdiction; and
- a copy of any trade name or trademark registration issued by the Secretary of State.

Corporate or other entity licenses

A corporation, partnership, limited liability company, or any other legal entity desiring to conduct real estate activity in Louisiana must file a license application with the Commission. The application must set forth the following:

- the applicant's name and address;
- the name under which the applicant intends to conduct business;
- the place or places where the business is to be conducted; and
- any other information the Commission requires.

A foreign corporation, limited liability company or partnership must have been granted a certificate of authority to do business in Louisiana.

A qualified broker must submit an application for a corporation's or other entity's broker's license. An individual real estate broker may serve as a qualifying broker for more than one corporation or entity.

A corporate license applicant must submit with its application the following:

- a copy of the document designating an individual broker as the qualifying broker;
- a copy of the registration certificate issued by the secretary of state; and
- a copy of any trade name or trademark registration issued by the secretary of state.

An office for conducting real estate license activity that is separate from the broker's registered office, provided the "name and telephone number of the broker or agency is advertised in any way," is a branch office that must be licensed.

ASSOCIATE BROKER QUALIFICATIONS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON QUALIFICATIONS

Education

An individual real estate licensee must be a high school graduate or hold a certificate of high school equivalency.

A salesperson's license applicant must show evidence that he or she has completed 90 hours of instruction in approved real estate coursework. "Satisfactory completion" includes passing an examination on the course contents.

A salesperson's prelicense education must consist of a 90-hour course that includes the following:

- real estate principles and practices;
- Louisiana real estate license law;
- Commission regulations;
- agency law; and
- civil law, as it relates to real estate transactions.

A real estate school may not issue prelicense education credit for attending a post-license or continuing education course.

First-year educational requirements

A licensee must complete 45 hours of post-licensure education within 180 days of receiving his or her license. The post-licensing hours may be applied in the year completed towards eight of the twelve hours required annually, except that the post-licensing classes may not be used to satisfy the four hour mandatory continuing education topic.

The post-license hours must be in subjects required by the Commission, including, but not limited to, changes in laws and regulations, finance, appraisal, environmental quality, property management, taxes, zoning, and federal laws affecting real estate such as HUD and fair housing

regulations.

Real estate schools and education vendors may not issue credit for a post-license education course unless the student has passed an examination on the course content.

A salesperson's post-license education hours must be obtained through and reported by one approved vendor. The Commission may consider course work completed at the following for post-license education credit:

- colleges and universities;
- national appraisal organizations;
- the societies, institutes and councils of the National Association of Realtors;
- the National Association of Real Estate Brokers; and
- governmental entities.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

The Louisiana real estate licensing laws do not apply to:

- a registered timeshare developer who is "solely acting for itself as sole owner or sole lessor with reference to real estate solely owned or solely leased by the developer or a registered affiliated entity or registered wholly-owned subsidiary of the developer"; or

- an existing timeshare owner who, for compensation, refers prospective purchasers, provided the owner refers no more than 20 prospective purchasers in any calendar year and meets other specified requirements.

Annual fees and filings

All real estate licensees are generally required to make the same annual filings. (See "BROKER REQUIREMENTS" above.) However, the renewal fee is \$35 for an active or inactive salesperson's license.

Applicant investigation

All real estate licensees are subject to the same applicant investigation provisions. (See "BROKER REQUIREMENTS" above.)

Examinations

All real estate licensees are subject to the same general examination requirements. (See "BROKER REQUIREMENTS" above.)

Other prerequisites

All real estate licensees are subject to the same other prerequisites (see "BROKER REQUIREMENTS" above), except:

- a salesperson's license applicant must be sponsored by an active licensed broker;
- a salesperson's license applicant must submit an Affidavit of Sponsorship Form as proof of the sponsorship (see regulation 303 for detailed sponsorship provisions); and
- the initial fee for an individual's or an entity's real estate salesperson's license is \$45.

SPECIALIST QUALIFICATIONS

Timeshare registration

Education

A timeshare interest sales registration applicant must be a high school graduate or hold a certificate of high school equivalency.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

The state's provisions regarding registration as a timeshare interest salesperson do not apply to:

- a licensed real estate broker or salesperson; or
- an employee of a registered developer.

Annual fees and filings

Timeshare registrants who fail to renew in a timely manner may renew within six months of the registration's expiration upon payment of a delinquency renewal fee, but certain registered developers of timeshare projects who fail to renew timely will no longer be qualified.

The relevant timeshare renewal registration fees are as follows:

- a timeshare developer renewal fee of \$70;
- a timeshare interest salesperson renewal fee of \$35; and
- delinquent fees of \$50 if renewed between January 1 and February 15, and \$200 if renewed between February 16 and June 30.

A new bond or a renewal or continuation of the original bond is required for each registration period. If the bond is a continuous bond, no new or renewal bond is required as long as the continuous bond remains in force and effect.

Applicant investigation

No specifically applicable provisions were located. However, a timeshare registration applicant must "have a good reputation for honesty, trustworthiness, and integrity."

The Commission may refuse to grant a timeshare interest sales registration if an applicant:

- has been convicted of "forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or theft, or has been convicted of a felony or a crime involving moral turpitude";
- has made a "false statement of material fact" on the application; or
- grounds exist for suspending or revoking "a registration, or real estate license, or the previous revocation of a real estate license or registration in Louisiana or any other jurisdiction."

Examinations

No specifically relevant provisions were located.

Other prerequisites

A timeshare registration applicant must:

- be at least 18 years old; and
- be a high school graduate or hold a certificate of high school equivalency.

A nondeveloper timeshare sales registrant must maintain with the Commission a bond issued by an authorized surety company in the amount of \$10,000.

A "timeshare interest salesperson or seller of a timeshare interest shall comply with the provisions

of the Louisiana Real Estate License Law and the rules adopted pursuant thereto, including licensure, unless otherwise exempt." The Louisiana Real Estate License Law does not apply to:

- a registered developer registered "solely acting for itself as sole owner or sole lessor with reference to real estate solely owned or solely leased by the developer or a registered affiliated entity or registered wholly-owned subsidiary of the developer"; or
- an existing timeshare owner who, for compensation, refers prospective purchasers, provided the existing timeshare owner refers no more than 20 prospective purchasers in any calendar year and meets other specified requirements.

An applicant for initial registration as a timeshare developer or timeshare salesperson must submit a completed application and the required fees.

An initial timeshare salesperson registration application must:

- contain the name of the developer for whom the applicant will be working;
- be signed by that developer's designated representative; and
- include evidence of a bond issued in favor of the state in the amount of \$10,000.

A timeshare developer registration applicant must submit the following to the Commission:

- sample copies of the conveyance and financing forms;
- when applicable, copies of the public offering statement and a certified copy of the timeshare declaration;

- when applicable, "an affidavit, signed by the chief executive officer or managing partner of the developer and by any natural person having an ownership interest exceeding 10 percent in either the developer or entities which control it, that states under penalty of perjury that the affiant has read the timeshare declaration and all attached documents, and that they are true and correct"; and
- evidence of a bond issued in favor of the state in the amount of \$1,000 dollars per unit week included in the timeshare plan.

Sections 1440 and 1461 amended 1989; §§ 1437.2 and 1437.3 amended 2016; § 1466 amended 2016; § 1442 amended 2007; § 1443 amended 2016; § 1437 amended 2016; § 1464 amended 2010; § 1437.1 amended 2016; rr. 301 and 303 amended 2011; 501, 507, 2301, 5503 and 5505 amended 2006; all regulations re-promulgated 2011; r. 305 amended 2016.

[La. Rev. Stat. Ann. §§ 37:1437, :1437.1, :1437.2, :1437.3, :1440, :1442, :1443, :1461, :1464, :1466 \(2019\)](#); [La. Admin. Code tit. 46, §§ 301, 303, 305, 501, 507, 2301, 5701, 5705 \(2019\)](#)

Maine

Maine, Continuing Education Approval

PROVIDER

General requirements

The [Maine Real Estate Commission](#) encourages the "development and delivery of high quality real estate educational programs" at graduated study levels. When reviewing an application, the Commission considers program content as it:

- contributes to the licensee's ability to serve and meet his or her clients' and customers' needs; and
- assists a licensee to keep informed concerning real estate laws, regulations and practices.

A "real estate educational program" is a "planned learning experience of at least two (2) hours, designed to promote development of knowledge, skills, and attitudes pertaining to real estate

brokerage." A "program sponsor" is the "individual, group of individuals, or organization responsible for the development, coordination, administration and delivery of a program."

Approval applications

A sponsor must submit an approval application for a continuing education program according to the Commission's guidelines, accompanied by the required application fee, which may not exceed \$100. The application must include the following information:

- the sponsor;

- the instructor's qualifications;

- the program's content and methodology;

- the program's length;

- the learning objectives;

- an assessment of the learning objectives; and

- completion requirements.

The Commission assesses a late fee to applications submitted after the first course session.

Distance learning course approval

A continuing education distance education course is "a program whereby instruction does not take place in a traditional classroom setting but rather where teacher and student are apart and instruction takes place through other media." Distance education programs include, but are not limited to, those presented through:

- interactive classrooms;
- computer conferencing;
- interactive computer;
- the Internet; and
- by written correspondence course.

A distance education course must include a comprehensive examination. A copy of the examination must accompany the program-approval application. Licensees who wish to use a distance education course for continuing education credit to activate or renew a real estate license must obtain a grade of at least 85 percent.

Advertising

An educational program's advertisement must include the following:

- a "course description sufficient to identify the subject matter to be covered";
- an identification of the instruction level;
- an identification of the instruction method or format;
- a statement of the program's objectives;
- a notice indicating that the program has been approved for continuing education; and

- the number of clock hours a licensee will receive upon satisfactory completion of the program.

Student records

A sponsor must:

- prepare a roster of licensees who successfully completed the course; and
- retain the roster at least three years.

Certificates of completion

A sponsor must issue a certificate of course completion to each licensee who successfully completed a course.

Other submissions

A sponsor must

- make program evaluation results available to the Director upon request; and
- submit a summary of student evaluations when applying for approval renewal.

A sponsor must report changes in a submitted or approved program application, and the Director must review a change in program content or instructor before the scheduled program.

An application for program renewal must include the following information:

- the sponsor;

- the instructor;
- the program's length, title and approval number;
- a list of the dates, times and locations the course was held;
- a list of future dates, times and locations;
- a statement regarding the extent to which the program met the identified learning objectives;
- a description of any changes to ensure that the learning objectives will be met in the future; and
- a summary of student evaluations.

CONTENT

The Commission may establish a core educational requirement for each license type. The core requirement generally may not exceed six clock hours, and the licensee must fulfill the remaining requirements from approved elective programs. Maine regulations more specifically provide that the core educational requirement is a three-hour course that "includes all of the Commission approved components for a core course." The Commission reviews the prescribed curriculum for the core educational requirement on an annual basis.

The following real estate-related topics are acceptable for continuing educational programs:

- property valuation;

- construction;
- contract and agency law;
- financing and investments;
- "[l]and use, planning, zoning and other public limitations on ownership";
- landlord-tenant relationships;
- licensing laws, rules and professional-practice standards;
- taxation;
- timeshares, condominiums and cooperatives;
- staff supervision and training;
- office management; and
- any additional Director-approved topic.

MATERIALS

A sponsor must:

- include a program evaluation for each course; and
- upon each program's commencement, inform the participants of the following: "This program has been approved by the Director of the Real Estate Commission for clock hours toward fulfillment of the educational requirements for renewal of a real estate license. The Commission is interested in the quality and delivery of educational programs which are offered to licensees and, therefore, welcomes and encourages comments regarding program subject matter and quality of the delivery of the program."

INSTRUCTOR QUALIFICATIONS

A "program instructor" is "as an individual appointed to impart knowledge or information to licensees participating in a program." An approval application requires a description of the instructor's qualifications.

PRIOR APPROVAL REQUIREMENTS

Approval timing

The Commission will assess a late filing fee if a sponsor submits an approval application after the first course session.

A sponsor must report changes in a submitted or approved program application, and the Director must review a change in program content or instructor before the scheduled program.

Approval after class date

The Commission will assess a late filing fee if a sponsor submits an approval application after the first course session.

The Director will consider, on an individual basis, a licensee's request for approval of a program in which he or she participated, but for which the sponsor did not seek approval. Approval is subject to the program meeting the standards and criteria required for other educational programs. The licensee must submit to the Director a completed program application and fee.

EXAMINATION

Examination requirements

A distance education course must include a comprehensive examination. The sponsor must include a copy of the examination with its approval application.

Proctors

No relevant provisions were located.

Section 13197 amended 2007; regulation 02-039-370 amended 2002.

[Me. Rev. Stat. Ann. tit. 32, § 13197 \(2018\); 02-039-370 Me. Code R. §§ 1-8, 10 \(2019\); Qualifying Education Program Approval Application & Supplementary Materials \(rev. Mar. 2018\); Continuing Education Program Approval \(rev. Oct. 19, 2017\)](#)

Maine, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

A licensee with an inactive license must renew his or her license biennially, but he or she is not required to meet the continuing educational requirements. A licensee who remains inactive for six years or more may reinstate his or her license to active status by submitting the proper application and fee and by passing a license examination designated for that purpose. A licensee who activates his or her license within six years may do so by successfully completing the designated examination or by completing the following continuing education courses:

- for applicants inactive for up to two years: 21 clock hours of continuing education completed during the previous biennium;
- for applicants inactive for more than two, but less than four, years: 28 clock hours of continuing education completed during the previous biennium; or
- for applicants inactive for more than four, but less than six, years: 36 clock hours of continuing education completed during the previous biennium.

The continuing education requirement does not apply to agency and company licenses.

An instructor who teaches an approved program may receive "clock hour approval for that program

only once."

A licensee may obtain continuing education hours for real estate related research from which a report, article or thesis results or for participating in real estate related projects, provided the Director finds that the effort has "enhanced" the licensee's ability to meet his clients' and customers' needs. The licensee must submit the appropriate documentation and an individual-review fee.

Required hours

As a prerequisite to renewing a license, an applicant must complete 21 clock hours of continuing education during the two years before the renewal application date in Commission-approved programs or courses, which must include an approved three-hour continuing education program that meets the core educational requirement. The Commission reviews the prescribed curriculum for the core educational requirement on an annual basis.

Minimum class length

A real estate educational program must be at least two hours long.

Subjects

The Commission may establish a core educational requirement for each license type. The core requirement generally may not exceed six clock hours, and the licensee must fulfill the remaining requirement from approved elective programs. Maine regulations more specifically provide that the core educational requirement is a three-hour course that "includes all of the Commission approved components for a core course." The Commission reviews the prescribed curriculum for the core educational requirement on an annual basis.

The following real estate-related topics are acceptable for continuing educational programs:

- property valuation;
- construction;
- contract and agency law;

- financing and investments;
- "[l]and use, planning, zoning and other public limitations on ownership";
- landlord-tenant relationships;
- licensing laws, rules and professional-practice standards;
- taxation;
- timeshares, condominiums and cooperatives;
- staff supervision and training;
- office management; and
- any additional Director-approved topic.

Effective April 1, 2019, the Commission core course requirement is dependent upon license type as follows:

- Designated Brokers: "*Core Course for Designated Brokers – 3*" and
- Brokers and Associate Brokers: "*Core Course for Brokers and Associate Brokers – 3*"

The applicable course is required if:

- the license expiration date is on or after April 1, 2019;
- the license has expired and renewal is on or after April 1, 2019; or
- a license is activated on or after April 1, 2019.

Licensees with a license expiration date prior to April 1, 2019, who renew prior to April 1, 2019, may fulfill their core course requirement with either "*Core Course for Designated Brokers – 2*" or "*Core Course for Brokers and Associate Brokers –2*" (depending on license type) or the core course appropriate for the license type as noted above.

Attendance requirements

A licensee must complete an educational program "in its entirety in order to be eligible for continuing education approval."

Online classes

A continuing education distance education course is "a program whereby instruction does not take place in a traditional classroom setting but rather where teacher and student are apart and instruction takes place through other media." Distance education programs include, but are not limited to, those presented through:

- interactive classrooms;
- computer conferencing;
- interactive computer;

- the Internet; and
- by written correspondence course.

A distance education course must include a comprehensive examination. Licensees who wish to use a continuing education distance education course to activate or renew a real estate license must obtain a grade of at least 85 percent.

Other requirements

Real estate licenses expire on December 31 (or at such other times as the Commissioner may designate) of each biennial period, except those licenses issued to sales agents pursuant to § 13200. The Director issues a renewal license for each biennial period "in the absence of any reason or condition which might warrant the refusal of granting a license," upon receipt of:

- the applicant's written request;
- the biennial fee; and
- evidence of the applicant's compliance with the continuing education requirements.

The Director will deny a renewal license to an applicant whose license has lapsed for more than 90 days, unless the applicant "passes the license examination designated by commission rule for this purpose."

ASSOCIATE BROKER REQUIREMENTS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON OR AGENT REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements (see "BROKER REQUIREMENTS" above), except that a sales agent license is issued for a two-year period and may not be renewed.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Sections 13194, 13196, and 13197 amended 2007, § 13200 amended 2005; regulation 02-039-370 amended 2002; website updated 2015.

[Me. Rev. Stat. Ann. tit. 32, §§ 13194, 13196, 13197, 13200 \(2018\); 02-039-370 Me. Code R. §§ 2-4, 7, 8, 10 \(2019\); Frequently Asked Questions—Real Estate Commission Continuing Education \(last visited Nov. 6, 2019\); Continuing Education Program Approval \(rev. Oct. 19, 2018\)](#)

Maine, Licensing Categories

BROKER

A "broker" is a "person employed by or on behalf of an agency to perform brokerage and licensed by the commission as a broker." A "real estate brokerage" is "a single instance of offering, attempting to conduct or conducting services on behalf of another for compensation, or with the expectation of receiving compensation, calculated to result in the transfer of" a real estate interest. Real estate brokerage includes, but is not limited to, the following conducted on behalf of another:

- listing real estate for sale or exchange;
- promoting a real estate purchase, sale or exchange;
- procuring prospects for a real estate purchase, sale or exchange;
- advertising or holding oneself out as offering any of the services contained in this list;
- negotiating a real estate purchase, sale or exchange;
- buying or selling real estate options or selling the real estate under option;
- acting as a finder; or

- buying, selling or exchanging real estate.

A "real estate brokerage agency" generally means a "person or entity engaged in real estate brokerage services through its designated broker, associates or employees and licensed by the commission as a real estate brokerage agency."

ASSOCIATE BROKER

An "associate real estate broker" is a "person employed by or on behalf of an agency to perform real estate brokerage services and licensed by the commission as an associate broker."

SALES AGENT

A "sales agent" is a "person employed by or on behalf of an agency to perform real estate brokerage services in a training capacity and licensed by the commission as a sales agent."

SPECIALIST CATEGORIES

Voluntary certification programs

The Commission may "establish a program for recognizing real estate brokers who have advanced education, training and experience in a specialized discipline" related to the real estate field. The Commission will prescribe the standards to be met in order to be certified.

Sections 13198 and 13199 amended 2017; §§ 13001 and 13197 amended 2007; §§ 13171 and 13200 amended 2005.

[Me. Rev. Stat. Ann. tit. 32, §§ 13001, 13171, 13197, 13198, 13199, 13200 \(2018\)](#)

Maine, Licensing Exemptions

A real estate brokerage does not include the following:

- a transaction by an owner or lessor or by his or her regular employees with regard to the employer's real estate, provided that the transaction services rendered by the employee are performed as an incident to his or her usual duties or the real estate transaction services are subject to the provisions of the Maine Condominium Act;

- a transaction by an attorney-at-law performing his or her duties as such, unless the attorney is "regularly engaged in real estate brokerage";
- a person licensed as an auctioneer and hired to call bids at an auction, provided the person does not prepare contracts, control the sale or "take custody of any part of the purchase price"; and
- real estate time-share transactions subject to the provisions of Title 33, chapter 10-A.

Section 13002 amended 1999.

[Me. Rev. Stat. Ann. tit. 32, § 13002 \(2018\)](#)

Maine, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A real estate license applicant must be a high school graduate or hold an equivalency certificate.

An applicant must complete the "Designated Broker Course." The applicant has satisfactorily completed the course if he or she has:

- met all minimum requirements established by the sponsor; and
- achieved a grade of at least 75 percent.

An applicant must include with his or her application an official transcript, which must include the following:

- the course title;

- the course completion date;
- the "numeric grade received"; and
- an authorized official's signature.

Applications for licensure must be submitted within twelve months of completing the Designated Broker Course.

Service in "lower" category

Effective September 12, 2009, an applicant for a broker's license must have been licensed as an associate broker affiliated with a real estate brokerage agency for two of the five years immediately preceding the application.

Waiver of qualifications for some professionals

In place of Maine's education and experience requirements, a nonresident license applicant must:

- hold a similar active license in good standing in another jurisdiction; and
- take a written examination regarding Maine real estate laws.

Annual fees and filings

Real estate licenses expire on December 31 (or at such other times as the Commissioner may designate) of each biennial period, except those licenses issued to sales agents pursuant to § 13200. The Director will issue a renewal license for each biennial period "in the absence of any reason or condition which might warrant the refusal of granting a license," upon receipt of:

- the applicant's written request;

- the biennial fee; and
- evidence of the applicant's compliance with the continuing education requirements.

The Director will deny a renewal license to an applicant whose license has lapsed for more than 90 days, unless the applicant "passes the license examination designated by commission rule for this purpose."

Applicant investigation

A real estate license applicant must "have a good reputation for honesty, truthfulness, fair dealing and competency." The applicant must furnish recommendations of at least three persons, who are not related to the applicant, who have known the applicant for at least one year immediately before the application date, and who by their signatures attest that the applicant has such a reputation.

In determining license eligibility, the [Maine Real Estate Commission](#) must take into consideration the applicant's criminal history records. The Commission may deny a license to any applicant, who, among other things,

- fails to provide satisfactory proof that he or she is "trustworthy and competent to transact real estate brokerage services in such manner as to safeguard" the public's interests;
- "has had any professional or occupational license revoked for disciplinary reasons or an application rejected for reasons relating to untrustworthiness" during the three years before the application date; or
- has been convicted of "a Class A, B or C crime or any crime that bears directly" on the real estate brokerage practice.

Examinations

No provisions generally requiring a broker's license applicant to pass a licensing examination were located. (See "SALES AGENT QUALIFICATIONS" for sales-agent examination requirements.) However, in place of Maine's education and experience requirements, a nonresident license

applicant must, among other things, take a written examination regarding Maine real estate laws. Also, several other broker-related provisions mention specific examinations. For example, the Director will deny a renewal license to any real estate license applicant whose license has lapsed for more than 90 days, unless the applicant "passes the license examination designated by commission rule for this purpose."

Other prerequisites

A real estate license applicant must:

- submit a properly completed application on Director-provided forms;
- submit the prescribed fee;
- be at least 18 years of age at the time of his or her application;
- provide evidence of his or her legal residence;
- meet the applicable education and experience requirements;
- meet the good reputation requirements for honesty, truthfulness, fair dealing and competency; and
- provide "a written statement from the designated broker of the agency, who will be employing the applicant, authorizing issuance of the applicant's license under the agency."

Agency licenses

An applicant for an original agency license must submit:

- a properly completed application, signed under oath by the authorized agency official; and

- the prescribed fee.

The owner or an authorized agency official must:

- hold a Maine real estate broker license; and
- be designated to act for the agency in conducting real estate brokerage.

Every person employed by or on behalf of the agency who performs real estate brokerage must be properly licensed.

The agency and its owner or officers, "if previously engaged in any business, shall bear a good reputation for honesty, truthfulness, fair dealing and competency."

A nonresident agency applicant must:

- hold a similar license in good standing in its resident jurisdiction;
- maintain an active place of business in its resident jurisdiction; and
- file an irrevocable consent that actions may be commenced against it in Maine by service on the Commission's director.

All locations other than the principle place of business where real estate brokerage business is regularly conducted or that are advertised as brokerage locations must be licensed as branch offices.

An agency may conduct business under a trade name, if its license is issued under that name.

Agency licenses expire on December 31 (or at any other designated time) of each biennial period.

ASSOCIATE BROKER QUALIFICATIONS

Education

An associate broker's license applicant must have satisfactorily completed a qualifying educational program that "covers the minimum competencies defined in the Commission-approved model entitled 'The Associate Broker Course.'"

Service in "lower" category

An associate broker's license applicant must have practiced as a real estate sales agent for two years during the five years immediately before the license application date. The applicant's practice must have been licensed, and completed while the applicant was affiliated with a real estate brokerage agency.

Waiver of qualifications for some professionals

No specifically relevant provisions were located. See "BROKER QUALIFICATIONS" above for generally applicable provisions.

Annual fees and filings

All real estate licensees are required to meet the same annual filing requirements. (See "BROKER QUALIFICATIONS" above.)

Applicant investigation

All real estate licensees are subject to the same applicant investigation requirements. (See "BROKER QUALIFICATIONS" above.)

Examinations

No specifically relevant provisions were located. (See "BROKER QUALIFICATIONS" above for generally applicable provisions.)

Other prerequisites

All real estate licensees are subject to the same other prerequisites. (See "BROKER QUALIFICATIONS" above.)

SALES AGENT QUALIFICATIONS

Education

As a prerequisite to taking the required licensing examination, a sales agent's license applicant must submit, within one year, a course transcript confirming that he or she successfully completed "a

qualifying educational program which covers the minimum competencies defined in the Commission-approved model entitled 'The Sales Agent Course.'"

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

No specifically relevant provisions were located. See "BROKER QUALIFICATIONS" above for generally applicable provisions.

Annual fees and filings

A sales agent license has a two-year term and may not be renewed. The Commission may not reissue a new sales agent license within five years following the date it issued the previous sales agent license. However, the Commission may grant a waiver to allow an individual to remain licensed as a sales agent for one year beyond the two-year term if there are "extenuating circumstances." The licensee must submit a waiver request, accompanied by the sales agent fee, which the Commission will retain whether or not it grants the waiver.

Applicant investigation

All real estate licensees are subject to the same applicant investigation requirements. (See "BROKER QUALIFICATIONS" above.)

Examinations

A sales agent license applicant must pass a written sales agent examination. The applicant must apply for a license within one year of the date he or she passes the examination. If the applicant does not apply for a license within that time period, he or she must meet all licensing requirements for new applicants.

Other prerequisites

All real estate licensees are subject to the same other prerequisites. (See "BROKER QUALIFICATIONS" above.)

SPECIALIST QUALIFICATIONS

No relevant provisions were located.

Sections 13198, 13199, 13182, 13193 amended 2017; §§ 13172 and 13194 amended 2007; § 13176 enacted 1987; §§ 13173 and 13191 amended 2013; § 13200 amended 2005; regulations amended 2009.

[Me. Rev. Stat. Ann. tit. 32,](#)

[§§ 13172, 13173, 13176, 13182, 13191, 13193, 13194, 13198, 13199, 13200 \(2018\); 02-039-360](#)

[Me. Code R. §§ 2, 4 \(2019\); 02-039-390 Me. Code R. §§ 1, 2, 3, 5, 7 \(2019\)](#)

Maryland

Maryland, Continuing Education Approval

PROVIDER

General requirements

The following providers may conduct continuing education courses:

- the Maryland Association of Realtors or its member boards;
- the Real Estate Brokers of Baltimore, Inc.;
- a similar professional association; or
- an educational institution approved by the [Maryland State Real Estate Commission](#) ("Commission").

A qualified instructor who is experienced in the real estate industry may teach continuing education courses.

In the continuing education context, "classroom instruction" is "the art or science of teaching in a space":

- that is used exclusively for instructing during instruction periods;
- that is conducive to learning; and

- at which an instructor is present.

Approval applications

A real estate-related course is acceptable for continuing education credit only if the Commission approves the course's form, substance and subject matter before the provider gives the course. A provider must furnish within 10 business days of the Commission's request any additional documentation that the Commission requires to complete its review.

Distance learning course approval

As required by statute, the Commission has adopted regulations related to conducting continuing education instruction courses by:

- remote access satellite;
- closed-circuit video;
- computer, including the Internet and the World Wide Web;
- home study; and
- any other Commission-approved delivery system, including disks, CD-ROMs, audiotapes and videotapes.

"Distance learning instruction" is the "art or science of teaching" in which:

- the "instructor and student may be separated by distance and time";

- the parties may need equipment to communicate the content; and
- the provider specifically developed the content for the instruction form.

A distance learning course provider must obtain approval of the course's technical aspects from an entity recognized by the Commission "in the field of technical expertise" before submitting the course to the Commission for its substance and subject-matter review.

"Course" means "classroom or distance learning instruction of 1 1/2 clock hours, but not more than 6 clock hours."

In a distance learning course, the provider's technical staff may answer technical-support and delivery-method questions, but may not answer content questions. The assigned instructor must respond to students' questions regarding course content within two business days.

To receive distance learning credit for license renewal, a licensee must take the distance learning courses within his or her two-year license term. A licensee may not use distance learning instruction programs for prelicensing examination preparation as continuing education credit hours. A distance learning course provider must establish guidelines for course completion and any specific course components.

A distance learning instruction course must meet the following requirements:

- the student must complete the instructional module or modules;
- the student must receive a passing grade of at least 70 percent on a final examination administered and graded by the provider; and
- if a student fails the final examination, he or she must pass the examination within the time frame set by the provider.

The provider must obtain the following statement from students who have completed a distance learning course: "I (name of student) affirm that I have personally completed every requirement of the course and that I have not provided any aspect of the course to others."

Advertising

No relevant provisions were located.

Student records

No relevant provisions were located.

Certificates of completion

A certificate of completion must be distributed by the instructor at the end of the class, or mailed or electronically transmitted to the student at a later date. A course provider or instructor may not issue a certificate of completion to, or submit course completion information to the Commission for, a student who has not complied with all regulations governing the conduct of the course, including the timeliness and attendance requirements.

The Commission must accept the following as evidence of completion of a continuing education course:

- the certificate of completion;
- a photocopy of the certificate;
- an email certificate of completion; or
- a photocopy of an email certificate.

In lieu of providing a certificate of completion to the licensee, the entity may submit the course completion information directly to the Commission and licensee by electronic means.

Other submissions

No relevant provisions were located.

CONTENT

The Commission must approve the form, substance and subject matter of all continuing education courses. The subject matter must:

- "relate to real estate or to a subject matter intended to assist a licensee in providing real estate brokerage services to the public in a more efficient and effective manner, provided that the subject matter is related to helping the public buy or sell real estate";
- every two years, include at least one three-hour course that outlines relevant statutory and regulatory changes;
- every two years, include at least one 1.5-hour course that outlines housing laws and regulations, including fair-housing advertising, except that this requirement does not apply to a licensee who provides real estate brokerage services only for nonresidential real estate;
- every two years, include at least one three-hour ethics course that "includes the Maryland Code of Ethics and a discussion of the practices of flipping and predatory lending";
- effective for renewals on or after 01/01/12, and every four years after that, include three hours in the area of agency; and
- effective for renewals on or after 01/01/12, and every four years after that, brokers, branch office managers, and team leaders must include at least one three clock-hour course that includes the requirements of broker supervision.

To be acceptable for continuing education credit, a course must cover one or more Commission-approved topics.

A "course" is "classroom or distance learning instruction of 1 1/2 clock hours, but not more than 6 clock hours." A "course related to real estate" is a course that covers one or more of the following topics:

- federal, state or local legislative issues;

- antitrust law;
- fair-housing law;
- real estate ethics or professional standards;
- disclosure;
- "professional enhancement for practicing licensees"; and
- technology related to real estate brokerage services.

MATERIALS

No specifically relevant provisions were located.

INSTRUCTOR QUALIFICATIONS

A "qualified instructor who is experienced in the real estate industry" may teach continuing education courses.

PRIOR APPROVAL REQUIREMENTS

Approval timing

A course related to real estate is acceptable for continuing education credit only if the Commission approves the course's form, substance and subject matter before the course is given.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

A distance learning instruction course must meet the following requirements:

- the student must receive a passing grade of at least 70 percent on a final examination administered and graded by the provider; and
- if a student fails the final examination, he or she must pass the examination within a time frame set by the provider.

Proctors

No provisions specifically requiring a proctor were located, but the provider must "administer" the examination.

Section 17-315 amended 2019; regulations 09.11.06.02, .04 amended 2011; regulations 09.11.06.01, .03, .05 amended 2017.

[Md. Code Ann., Bus. Occ. & Prof. § 17-315 \(2019\)](#); [Md. Code Regs. 09.11.06.01, .02, .03, .04, .05 \(2019\)](#)

Maryland, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

A licensee as of his or her license renewal date must complete at least 15 clock hours of continuing education instruction during the preceding two-year period.

If a licensee provides real estate brokerage services only in connection with nonresidential real estate, 1.5 of the required clock hours may be satisfied by a course regarding fair housing laws and regulations or the federal Americans with Disabilities Act.

Brokers and licensees designated as branch office manager or team leader who have a graduate degree in law or real estate must complete at least 13.5 hours of continuing education.

A licensee designated as a broker, branch office manager or team leader must complete a three clock-hour broker supervision course within 90 days of the effective date of the designation if the licensee has not taken the course during the previous four years.

A licensee licensed in another state generally must complete at least 15 clock hours of continuing education instruction during each 2-year license term, but he or she may substitute continuing education hours earned in another state if:

- the hours are approved as real estate continuing education in that state;
- the hours meet Maryland's distribution requirements; and
- the other state permits the substitution of clock hours of approved Maryland continuing education instruction for a Maryland licensee.

The Commission may waive continuing education requirements for a licensee who "shows good cause for being unable to meet the requirements."

Required hours

To qualify for license renewal, a licensee generally must complete at least 15 clock hours of continuing education instruction in the required subjects during the preceding two-year term.

Minimum class length

A "course" is "classroom or distance learning instruction of 1.5 clock hours, but not more than six clock hours."

Subjects

The Commission must approve the form, substance and subject matter of all continuing education courses. The subject matter must:

- "relate to real estate or to a subject matter intended to assist a licensee in providing real estate brokerage services to the public in a more efficient and effective manner, provided that the subject matter is related to helping the public buy or sell real estate";
- every two years, include at least one three-hour course that outlines relevant statutory and regulatory changes, court cases and industry trends that have an impact on those laws and regulations;
- every two years, include at least one 1.5-hour course that outlines housing laws and regulations, including fair-housing advertising, except that this requirement does not apply to a licensee who provides real estate brokerage services only for nonresidential real estate;
- every two years, include at least one three-hour ethics course that "includes the Maryland Code of Ethics and a discussion of the practices of flipping and predatory lending";
- every two years include at least one three-hour course covering real estate relationships and disclosures; and
- every two years for renewal of a broker license and of the license of a person designated as a branch office manager or team leader, include at least one three-hour course that includes requirements of broker supervision.

To be acceptable for continuing education credit, the course must cover one or more Commission-approved topics.

A "course related to real estate" is a course that covers one or more of the following topics:

- federal, state or local legislative issues;
- antitrust law;

- fair-housing law;
- real estate ethics or professional standards;
- disclosure;
- "professional enhancement for practicing licensees"; and
- technology related to real estate brokerage services.

No more than three hours of the total continuing education requirement for a renewal period may be on the topic of technology relating to real estate brokerage services.

Attendance requirements

No specifically relevant provisions were located.

Online classes

As required by statute, the Commission has adopted regulations related to conducting continuing education instruction courses by:

- remote access satellite;
- closed-circuit video;
- computer, including the Internet and the World Wide Web;
- home study; and

- any other Commission-approved delivery system, including disks, CD-ROMs, audiotapes and videotapes.

In a distance learning course, the provider's technical staff may answer technical-support and delivery-method questions, but may not answer content questions. The assigned instructor must respond to students' questions regarding course content within two business days.

To receive distance learning credit for license renewal, a licensee must take a distance learning course within his or her two-year license term. A licensee may not use distance learning instruction programs for prelicensing examination preparation as continuing education credit hours. A distance learning course provider must establish guidelines for completing the course and any specific course components.

A distance learning instruction course must meet the following requirements:

- the student must complete the instructional module or modules;
- the student must receive a passing grade of at least 70 percent on a final examination administered and graded by the provider;
- if a student fails the final examination, he or she must pass the examination within the time frame set by the provider.

The provider must obtain the following statement from students who have completed a distance learning course: "I (name of student) affirm that I have personally completed every requirement of the course and that I have not provided any aspect of the course to others."

Other requirements

Unless renewed for a two-year term, a broker's license expires on the first March 1 that comes after the license's effective date in an even-numbered year, unless the Commission's secretary determines that real estate licenses must expire on a staggered basis.

A licensee may renew a license for an additional two-year term, if he or she:

- is otherwise entitled to be licensed;

- pays the appropriate renewal fee;
- submits a renewal application on the Commission-provided form;
- submits the original certificate of completion verifying compliance with the continuing education requirements (relevant regulations permit copies);
- notifies the Commission of each real estate broker with whom the licensee is affiliated; and
- for a broker's license renewal, submits to the Commission a credit report from an approved reporting agency that contains the information required by the Commission or pays the Commission a credit report fee in an amount not to exceed the cost charged by an approved credit reporting agency to obtain a credit report that contains the information required by the Commission.

The Commission will reinstate an expired license if the licensee:

- applies for reinstatement within four years after the license expired;
- has a good character and reputation;
- complies with the applicable continuing education requirement for the period during which he or she was not licensed; and
- pays a reinstatement fee.

A licensee whose license is on inactive status must renew his or her license. Subject to the four-year limitation, a licensee may renew a license while it is on inactive status without complying with the continuing education requirements.

Effective October 1, 2011, an application for reinstatement must be made within three years of the license expiration. Licensees on inactive status will be required to comply with continuing education requirements in order to renew their licenses.

ASSOCIATE BROKER REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements (see "BROKER REQUIREMENTS" above), except an associate broker's license expires on the first April 30 that comes after the license's effective date in an even-numbered year, unless the Commission's secretary determines that real estate licenses must expire on a staggered basis.

SALESPERSON REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements (see "BROKER REQUIREMENTS" above), except a salesperson's license expires on the first April 30 that comes after the license's effective date in an even-numbered year, unless the Commission's secretary determines that real estate licenses must expire on a staggered basis.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Sections 17-314 and 17-316 amended 2005, § 17-315 amended 2019; regulations amended 2017, except 09.11.06.04 repealed.

[Md. Code Ann., Bus. Occ. & Prof. §§ 17-314, -315, -316 \(2019\); Md. Code Regs. 09.11.6.01, .03, .04, .05 \(2019\)](#)

Maryland, Licensing Categories

BROKER

A "real estate broker" is "an individual who provides real estate brokerage services." To "provide real estate brokerage services" means to act as follows:

- for consideration and for another, (i) to sell, buy, exchange or lease real estate; (ii) to collect rent for real estate use; or (iii) to sell real estate as a sales agent for a home builder;
- to assist another person, for consideration, in locating or obtaining residential real estate for purchase or lease;
- to engage regularly "in a business of dealing in real estate or leases" or real estate options;
- to engage in a business, the primary purpose of which is to promote real estate sales through a listing in a publication issued primarily to promote real estate sales;
- to engage in a business that subdivides land in any state and sells the divided lots; or
- to serve, for consideration, as a consultant regarding any of the activities listed above.

A mortgage foreclosure consultant who provides any of the listed services of a real estate broker must have a broker's license.

ASSOCIATE BROKER

An "associate real estate broker" is an individual who:

- meets the requirements for a real estate broker's license, but applies for and is granted an associate real estate broker license; and
- who may "provide real estate brokerage services on behalf of a licensed real estate broker with whom the associate real estate broker is affiliated."

SALESPERSON

A "real estate salesperson" is an individual who, "while affiliated with and acting on behalf of a real

estate broker, provides real estate brokerage services."

SPECIALIST CATEGORIES

Team leader

A team leader must be designated by any group of two or more associate brokers or salespersons who:

- work together on a regular basis to provide real estate brokerage services;
- represent themselves to the public as being part of one entity; and
- designate themselves by a collective name such as team or group.

A team leader must be:

- a licensed associate broker; or
- a licensed salesperson who has at least three years experience in providing brokerage services.

The team leader will be required to:

- maintain a current list of all members and employees of the team;
- provide the list and any revisions of the list to the broker or the branch office manager of the brokerage with which the members of the team are affiliated; and

- exercise reasonable and adequate supervision over the provision of real estate brokerage services by members of the team.

The real estate broker or branch office manager of a real estate broker must maintain copies of the lists and make the copies available to the commission on request.

Temporary nonresident commercial real estate license

Under certain circumstances, the Commission will issue a nonresident broker a temporary commercial license. In this context, "commercial real estate" includes:

- real property containing five or more single-family units;
- real property zoned for commercial, industrial or nonresidential use; and
- unimproved real property zoned for multifamily units.

"Commercial real estate" does not include property zoned for agricultural use or single-family units conveyed or to be conveyed on a "single basis."

Timeshare registration

A developer may not offer a time-share to the public until he or she has received a certificate of registration as a time-share developer. However, Maryland's timeshare provisions generally focus on registering the transaction. It is unlawful for a person to act as project broker for a time-share project unless he or she is a licensed real estate broker.

Sections 17-544 through 17-546 added 2010; § 7-380 added 2008, § 11A-121 amended 1995; § 17-536 enacted 2003; § 17-101 amended 2008.

[Md. Code Ann., Real Prop. §§ 7-308, 11A-121 \(2019\); Bus. Occ. & Prof. §§ 17-101, -536, -544, -546 \(2019\)](#)

Maryland, Licensing Exemptions

Title 17 of the Business Occupations and Professions Code, which contains Maryland's real estate licensing laws, does not apply to the following:

- a person acting under a judgment or court order;
- a public officer performing his or her official duties;
- a person engaged in a single transaction under a power of attorney by the real estate's owner;
- a licensed auctioneer selling real estate at public auction;
- a real estate owner or lessor who is "managing, leasing, or selling the real estate," unless the owner's or lessor's primary business is providing real estate brokerage services; or
- a person acting as a receiver, trustee, personal representative or a guardian.

A license is also not required for:

- a financial institution, its subsidiary or affiliate, or mortgage loan institution incorporated "to manage, lease, or sell any property that the institution or subsidiary or affiliate of a financial institution acquires in connection with a mortgage foreclosure or deed or assignment in lieu of foreclosure";
- a lawyer authorized to practice in Maryland who is not regularly engaged in the business of providing real estate brokerage services, does not represent to the public that he or she is in the business of providing real estate brokerage services, and provides real estate brokerage services while representing another person in the course of the lawyer's regular law practice;

- a home builder in the rental or initial sale of a home he or she constructed;
- an "agent of a licensed real estate broker or of an owner of real estate while managing or leasing that real estate for the real estate broker or owner";
- a person negotiating the sale, lease or other transfer of a business enterprise if the transfer does not include any real property interest other than a lease under which the business enterprise operates; or
- a "person to subdivide and sell unimproved property" he or she owns, provided the person meets the requirements of § 17-302, which generally states that a person need not be licensed to sell in a calendar year six or fewer unimproved lots that the individual owns or to "subdivide and sell unimproved property that the individual owns for 10 years or more."

Sections 17-102 and -302 amended 1994; § 17-301 amended 2016.

[Md. Code Ann., Bus. Occ. & Prof. §§ 17-102, -301, -302 \(2019\)](#)

Maryland, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A broker's license applicant must successfully complete a Commission-approved course in real estate for brokers that includes an approved three-hour course in "real estate ethics." Maryland regulations more specifically provide that a broker's license applicant must furnish, at the time of filing his or her license application, evidence of having satisfactorily completed a course of instruction in "Real Estate Principles and Practices for Brokers." The course must be either:

- the "Realtors Institute of Maryland (G. R. I.) Courses 'I', 'II', 'III', and 'IV', consisting of a minimum of 135 clock-hours or 9 semester credit hours of instruction" and sponsored by the Maryland Association of Realtors; or

- a Commission-approved course consisting of "135 clock-hours or 9 semester credit hours of instruction."

A semester credit hour is "not less than 15 standard 50-minute classroom hours of instruction." The course must "substantially embrace" the 27 areas of study listed in r. 09.11.01.14(C). Any subjects other than those listed in the regulation must be in addition to, not as a substitute for, the minimum 135 clock-hour requirement.

The required broker's license courses are not interchangeable with the salesman's license course requirements.

Service in "lower" category

A broker's license applicant must:

- have been a licensed salesperson; and
- have "actively and lawfully provided real estate brokerage services for at least 3 years."

An individual who demonstrates active, regular and lawful engagement in real estate practice as a licensed salesperson or broker, for at least three years immediately preceding application submission, in Maryland or any other U.S. jurisdiction may be deemed to have satisfied the three years experience requirement.

Waiver of qualifications for some professionals

The [Maryland Real Estate Commission](#) will waive the broker's education and experience requirement for an applicant who is qualified to practice law in Maryland.

The Commission may waive any licensing requirement for an applicant who holds a "comparable or equivalent license granted by another state," provided the applicant:

- pays the required application fee;

- provides "adequate evidence" that he or she meets the qualifications otherwise required for that license;
- submits a certified copy of the applicant's license from the other state; and
- if the applicant holds a broker's license, provides adequate evidence that he or she actively maintains an office in the other state.

The Commission deems:

- an individual to have satisfied the broker's three-year experience requirement if he or she has "actively, regularly, and lawfully engaged in real estate practice as a licensed salesperson or broker in good standing for at least 3 years" before submitting his or her application (whether in Maryland or any other jurisdiction of the United States or its territories); and
- an individual to have satisfied the broker's educational requirement if he or she has "actively and regularly engaged in real estate practice as a licensed real estate broker in a jurisdiction other than Maryland" for at least three of the five years immediately before submitting his or her application.

Annual fees and filings

Unless renewed for a two-year term, a broker's license expires on the first March 1 that comes after the license's effective date in an even-numbered year, unless the Commission's secretary determines that real estate licenses must expire on a staggered basis.

A licensee may renew a license for an additional two-year term, if he or she:

- is otherwise entitled to be licensed;
- pays the appropriate renewal fee;

- submits a renewal application on the Commission-provided form;
- submits the original certificate of completion verifying compliance with the continuing education requirements (the regulations permit copies);
- notifies the Commission of each real estate broker with whom the licensee is affiliated; and
- for a broker's license renewal, submits to the Commission a credit report from an approved reporting agency that contains the information required by the Commission or pays the Commission a credit report fee in an amount not to exceed the cost charged by an approved credit reporting agency to obtain a credit report that contains the information required by the Commission.

The Commission will reinstate an expired license if the licensee:

- applies for reinstatement within four years after the license expired;
- has a good character and reputation;
- complies with the applicable continuing education requirement for the period during which he or she was not licensed; and
- pays a reinstatement fee.

A licensee whose license has expired or that is on inactive status may reinstate his or her license within three years upon a showing that he or she has met the continuing education requirements for the period in which he or she was not licensed or on inactive status. An inactive license expires three years after it is inactivated.

The original license fee is \$190, and the renewal fee is \$170.

Applicant investigation

Generally, a broker's license applicant must:

- be of good character and reputation; and
- meet any other requirement the Commission establishes to "ensure that only individuals who are professionally competent and of good character and reputation are licensed."

A broker's license applicant must submit a credit report from an approved credit reporting agency, which must include "a statement of the applicant's personal background with respect to lawsuits, judgments, and the moral character of the applicant."

Examinations

A real estate license applicant must pass an examination given by the Commission. The Commission determines the "subjects, scope, and form of and the passing score" for the examination. The broker applicant must pass both portions of the examination within one year of completion of the prelicensing education course.

A broker's license examination must test:

- an applicant's ability to perform the services authorized by a broker's license; and
- the applicant's knowledge of "the general practice for handling real estate transactions."

The examination must be written. Each examination copy for a particular license given on a particular date must contain the same questions, but they may be in a different order.

To take an examination, an applicant must pay:

- an examination fee to the Commission; and
- an amount covering the examination's cost to the Commission or testing service.

An applicant who has passed both portions of the licensing exam must apply for a license within one year. An applicant for a broker's, associate broker's or salesperson's license who has passed one part of the licensing exam, has one year from the date he or she passed that part in which to pass the second part. If the applicant fails to pass the second part within that one year, he or she must retake the first part.

Other prerequisites

Generally, to qualify for a broker's license, an applicant must be an individual who:

- has a good character and reputation;
- is at least 18 years old;
- has met the education and experience requirements;
- has passed the licensing examination; and
- meets any other requirement that the Commission establishes to "ensure that only individuals who are professionally competent and of good character and reputation are licensed."

A real estate license applicant must:

- submit an application on the Commission-provided form;

- if he or she used a testing service, submit a copy of the examination results;
- pay the appropriate fee into the Guaranty Fund;
- pay the appropriate licensing fee; and
- submit to the Commission any additional information or documentation the Commission requires.

A broker's license applicant must also:

- submit a credit report that contains the information the Commission requires; or
- have paid to the Commission "a credit report fee in an amount not to exceed the cost charged by a credit reporting agency approved by the Commission to obtain a credit report" that contains the information the Commission requires.

A real estate licensee must pay an initial fee of \$20 to be credited to the Guaranty Fund. If the amount in the Guaranty Fund falls below \$250,000, the Commission must assess each licensee a fee in an amount that will return the Guaranty Fund to at least \$250,000.

Corporate licensees

A licensed broker may provide real estate brokerage services through a corporation, limited liability company or partnership. To qualify to provide services through an entity, the licensed broker must:

- be employed by or have another contractual relationship with the entity;
- have been designated by the entity as the firm's broker, who is individually responsible for providing brokerage services through the entity; and

- submit to the Commission the required notice, as required by § 17-321(c).

ASSOCIATE BROKER QUALIFICATIONS

Generally, provisions that apply to an associate broker are the same as those that apply to a broker (see "BROKER QUALIFICATIONS" above), except the following:

- an associate broker's license expires on the first April 30 that comes after the license's effective date in an even-numbered year, unless the Commission's secretary determines that real estate licenses must expire on a staggered basis; and
- the applicant, in addition to meeting the requirements for a real estate broker license, must obtain from a licensed broker a commitment providing that the applicant will be affiliated with the licensed broker as an associate broker.

The original license fee is \$130, and the renewal fee \$110.

SALESPERSON QUALIFICATIONS

Education

A salesperson's license applicant must have successfully completed:

- a Commission-approved basic real estate course that "does not require more than 60 clock hours of classroom instruction," or instruction provided by remote access satellite, closed-circuit, computer, including Internet or world-wide web, home study, or any other delivery system approved by the Commission, and includes an approved three-hour course in real estate ethics; or
- if approved by the Commission "as an alternative, courses in real estate subjects in any college," including an approved three-hour course in real estate ethics.

Maryland regulations more specifically provide that a salesperson's license applicant must furnish evidence of having satisfactorily completed a course of instruction in "Real Estate Principles and Practices for Salespersons." The course must be either:

- the "Realtors Institute of Maryland (G. R. I.) Course 'I' consisting of a minimum of 60 clock-hours of instruction," sponsored by the Maryland Association of Realtors; or
- a Commission-approved course that consists of at least 60 clock-hours of instruction.

The 60 clock-hour educational requirement must "embrace" the 15 areas of study listed in r. 09.11.01.11(B). Any subjects other than those listed must be in addition to, and not a part of, the 60 clock-hour requirement. The required courses are not interchangeable with the broker's requirements set forth in r. 09.11.01.14, and the broker's course does not satisfy the salesperson's license education requirements. The required basic course of instruction must include the "human relations aspect of the practice of real estate, including study of fair housing laws and effect of undesirable practices, such as exploitation, steering, blockbusting, prejudicial solicitation, discriminatory practices, misleading advertising, and related activities."

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

The Commission may consider an individual who demonstrates "active and regular engagement in real estate practice as a licensed real estate salesperson in a jurisdiction other than Maryland for at least 3 of the 5 years" immediately before submitting an application to have satisfied the salesperson's educational requirement if the other jurisdiction's prelicensing education requirements are equal to or greater than Maryland's requirements.

Annual fees and filings

All real estate licensees are required to meet the same annual filing requirements (see "BROKER QUALIFICATIONS" above), except a salesperson's license expires on the first April 30 that comes after the license's effective date in an even-numbered year, unless the Commission's secretary determines that real estate licenses must expire on a staggered basis.

The original license fee is \$90, and the renewal fee is \$70.

Applicant investigation

No specifically applicable provisions were located. However, a salesperson's license applicant must be of good character and reputation, and an applicant must meet any other requirement the Commission establishes "to ensure that only individuals who are professionally competent and of good character and reputation are licensed."

Examinations

A real estate license applicant must pass a written examination given by the Commission. The applicant must pass both portions of the examination within one year of completion of the prelicensing education course.

The Commission determines the "subjects, scope, and form of and the passing score" for the examination. Each examination copy for a particular license given on a particular date must contain the same questions, but they may be in a different order.

To take an examination, an applicant must pay:

- an examination fee to the Commission; and
- an amount covering the examination's cost to the Commission or testing service.

An applicant who has passed both portions of the licensing exam must apply for a license within one year. An applicant who has passed one part of the licensing exam has one year from the date he or she passed that part in which to pass the second part. If the applicant fails to pass the second part within that one year, he or she must retake the first part.

Other prerequisites

Generally, to qualify for a salesperson's license, an applicant must be an individual who:

- has a good character and reputation;

- is at least 18 years old;
- has met Maryland's educational requirements;
- has passed the licensing examination;
- has obtained, from a licensed broker, a commitment providing that the applicant will become affiliated with the broker as a real estate salesperson; and
- has met any other requirement that the Commission establishes "to ensure that only individuals who are professionally competent and of good character and reputation are licensed."

A real estate license applicant must:

- submit an application on the Commission-provided form;
- if he or she used a testing service, submit a copy of the examination results;
- pay the appropriate fee into the Guaranty Fund;
- pay the appropriate licensing fee; and
- submit to the Commission any additional information or documentation the Commission requires.

A real estate licensee must pay an initial fee of \$20 to be credited to the Guaranty Fund. If the amount in the Guaranty Fund falls below \$250,000, the Commission must assess each licensee a fee in an amount that will return the Guaranty Fund to at least \$250,000.

SPECIALIST QUALIFICATIONS

Temporary nonresident commercial real estate licenses

A temporary nonresident commercial real estate license is, in effect, a temporary reciprocity license for certain commercial transactions. An applicant must "demonstrate financial solvency."

A nonresident broker may engage in a transaction with respect to commercial real estate located in Maryland and receive compensation if he or she:

- provides real estate brokerage services through a licensed broker; and
- enters into a written agreement with a Maryland broker, which agreement must contain specified provisions.

Before a nonresident broker may provide commercial real estate brokerage services in Maryland, he or she must apply in writing to the Commission. The application must include:

- the nonresident's name, address and telephone number;
- information regarding the business entity through which the nonresident broker provides brokerage services;
- information regarding each nonresident salesperson who will offer or provide brokerage services in Maryland on behalf of the nonresident broker;
- a copy of the required agreement;

- written evidence that the nonresident broker and each listed nonresident salesperson are licensed in another jurisdiction, and that the license is "valid, current, and active";
- a written consent to service of process on the Commission's Executive Director;
- written consent to submit to the Commission's jurisdiction for disciplinary action purposes;
- any other information that the Commission requests; and
- a temporary license fee of \$45.

The Commission will issue a temporary license to a nonresident broker who complies with the above requirements only if the jurisdiction in which the broker is licensed allows a Maryland broker to obtain a temporary license under similar circumstances or waives its licensure examination and qualification requirements for Maryland licensees.

Timeshare registration

Maryland's timeshare registration provisions generally focus on registering the transaction. It is unlawful for a person to act as project broker for a time-share project unless he or she is a licensed real estate broker. (See "BROKER QUALIFICATIONS" above.)

Section 11A-122 amended 1991; §§ 17-308, 17-321 amended 1994; § 17-403 amended 2019; § 11A-121 amended 1995; § 11A-123 amended 2002; § 17-537 enacted 2003; §§ 17-304 and 17-305 amended 2004; §§ 17-306, 17-307 amended 2005; §§ 17-314 and 17-316 amended 2011; § 17-303 amended 2008; regulation 09.11.01.05 repealed 2013; r. 09.11.01.06, 09.11.01.15 and 09.11.01.17 amended 1990; r. 09.11.04.01 amended 2017; r. 02.11.01.04 amended 1992; r. 09.11.01.14 amended 2013; r. 09.11.01.26 amended 1999; r. 09.11.01.11 amended 2012; r. 09.11.09.02 amended 2017.

[Md. Code Ann., Real Prop. §§ 11A-121, -122, -123 \(2019\); Bus. Occ. & Prop. §§ 17-303, -304, -305, -306, -307, -308, -314, -316, -321, -403, -537 \(2019\); Md. Code Regs. 09.11.01.04, .06, .11, .14, .15, .17; .04.01, .09.02 \(2019\)](#)

Massachusetts

Massachusetts, Continuing Education Approval

PROVIDER

General requirements

The [Massachusetts Board of Registration of Real Estate Brokers and Salespersons](#) ("Board") must authorize real estate schools that offer prelicensure or continuing education courses. Each location at which a school operates must be separately authorized. The Board may set a limit on the number of separate locations for an authorized school, and each location must be suitable for occupancy.

Approval applications

A school must apply for authorization on the form prescribed by the Board. The application must be accompanied by the required fee.

School authorizations are valid for two years from the issue date and must be renewed biennially.

Distance learning course approval

Online learning courses will be approved only if offered by authorized real estate schools. Courses must meet the requirements of currently published Board curriculum.

Prior to the beginning of a course, the Board approved continuing education outline and orientation shall be provided to the student. The outline must include at least the following:

- how credit will be recorded for later access;
- technology requirements for completion of the course;

- links to school policies including policies on misrepresenting student identity and refunds;
- description of how much time a student has to complete the course; and
- information about access to content and technical support and the method to obtain answers to student questions.

Online courses must be time-based. The course shall require at least two hours for completion. The course must also allow a student to complete the course at multiple intervals.

An online course may not run continuously. It must have prompts, pauses or stops to ensure that the student is actively engaged with the course.

The real estate school must provide technical support to the students and specify set times when technical support is available.

All students must have the ability to submit questions and complete a survey for the real estate school at the completion of the course.

The school must have a policy explaining how it intends to verify a student's identity. The school must also retain a statement by the student/licensee stating that he or she certifies under the pains and penalties of perjury to have solely completed the course.

Advertising

No relevant provisions were located.

Student records

A school's authorized agent must maintain records that document individuals' attendance. The records must include:

- the individual's name;
- the dates on which the individual attended the school; and

- the date on which the individual completed the licensure, continuing education or instructor curriculum.

Massachusetts statutes require a school that provides licensure, continuing education or instructor curriculum must "maintain the record of each individual for at least two years following the completion of the curriculum. . . ." However, Massachusetts regulations require authorized schools to "maintain records for each individual broker or salesperson who has completed the continuing education curriculum for a period of at least three years following completion of the curriculum."

Certificates of completion

A school's authorized agent must ensure that only individuals who complete the required 12 hours of continuing education are certified as meeting the educational requirements for renewing a license.

The Board may suspend, revoke or refuse to renew the authorization of a school that:

- fails to provide an individual completing continuing education curriculum with a certification of completion; or
- provides a certification of completion to an individual who has not completed the curriculum.

Other submissions

Each authorized school must designate one individual as an authorized agent, who must:

- maintain attendance records;
- ensure that only individuals who complete appropriate course work are certified;
- notify the Board of any changes in the school's address or telephone number or in the authorized agent within seven days of the change; and

- ensure that only qualified instructors teach the continuing education curriculum.

CONTENT

The continuing education curriculum must contain at least six hours of instruction "concerning or related to compliance with laws and regulations selected from any of the following subjects":

- fair housing;
- equal employment opportunity;
- accessibility;
- agency law;
- real estate environmental issues;
- zoning and building codes;
- real estate appraisal and financing;
- property tax assessments and valuation; and
- real estate regulations.

The Board:

- must certify in advance the "curriculum forming the basis" of the courses or programs that satisfy the above requirements; and
- may suspend, revoke or refuse to renew the authorization of a school that combines "any part of the broker, salesperson, instructor or continuing education curriculum into a single curriculum or offering" or fails to "offer the curriculum for licensure and renewal established by the Board."

MATERIALS

No relevant provisions were located.

INSTRUCTOR QUALIFICATIONS

A school's authorized agent must ensure that only qualified instructors are permitted to teach the curriculum for licensing certification or continuing education. The Board may suspend, revoke or refuse to renew the authorization of a school that fails to have a qualified instructor in the classroom during the time it provides a class.

A person may not act as an instructor at any authorized real estate school unless he or she:

- holds a current broker's license;
- has at least two years' work experience as a real estate broker involving at least 25 hours per week;
- has co-taught or audited the curriculum in an authorized school before teaching it; and
- has at least 30 hours of instruction in a Board-approved instructor-training program.

The Board may authorize as an instructor any person who has satisfied the above requirements "or the equivalent in lieu thereof as determined by the Board."

Instructors may use specialists to teach particular portions of the curriculum, and the Board need not authorize those specialists. However, an instructor may not employ specialists to teach the entire curriculum.

PRIOR APPROVAL REQUIREMENTS

Approval timing

The Board must certify in advance the "curriculum forming the basis" of the courses or programs that satisfy continuing education requirements.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

No relevant provisions were located.

Proctors

No relevant provisions were located.

Section 87XX1/2 history unknown; regulatory history unknown.

[Mass. Gen. Laws ch. 112, § 87XX1/2 \(2019\); 254 Mass. Code Regs. 4:00, 5:00 \(2019\)](#)

Massachusetts, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

The state's continuing education requirements do not apply to:

- a person licensed pursuant to § 87SS who is not required to take an examination to be licensed, except that an out-of-state licensee who receives reciprocity to practice in Massachusetts must comply with his or her home state's continuing education program; or
- a licensee who has been granted inactive status.

Required hours

With each license renewal, a licensee must certify to the Board that they have completed, within 24 months before each renewal, 12 hours of continuing education in the curriculum published by the Board.

A person subject to the continuing education requirements must furnish a written certification that he or she successfully completed the required courses or programs. The license of a person who fails to furnish the written certification is granted inactive status.

Minimum class length

No relevant provisions were located.

Subjects

The continuing education curriculum must contain at least six hours of instruction "concerning or related to compliance with laws and regulations selected from any of the following subjects":

- fair housing;
- equal employment opportunity;
- accessibility;
- agency law;
- real estate environmental issues;
- zoning and building codes;
- real estate appraisal and financing;

- property tax assessments and valuation; and
- real estate regulations.

The Board publishes "the curriculum which will form the basis of the continuing education requirement" and may change the curriculum from time to time.

Attendance requirements

No specifically relevant provisions were located. However, the Board may suspend, revoke or refuse to renew the authorization of a school that provides a certification of completion to an individual who has not "completed" the curriculum.

Online classes

No specifically relevant provisions were located.

Other requirements

Except in the case of a license issued to an entity or a licensee's original license, a license is valid for two years from the issue date, unless suspended or revoked, and must be renewed biennially, without examination, upon payment of the appropriate fees, provided that the applicant has not been found to be disqualified because of lack of good moral character or any other ground set forth in §§ 87PP to 87DDD. The Board will renew an entity's license only upon the renewal of the individual license of at least one of its designated officers or partners. An entity need not pay a fee for the renewal of its license. The license originally issued to an individual is valid until the "anniversary of the licensee's date of birth next occurring more than twenty-four months" after its issue date.

A renewal application must be signed and sworn to by the applicant and made on forms furnished by the Board.

A person with an inactive license may apply for reactivation upon completing the continuing education requirements for the renewal period immediately preceding the application and complying with all other applicable license requirements.

An applicant must pay in advance all applicable licensing renewal fees, which are determined annually by the Commissioner of Administration, except that a blind person or a veteran suffering from paraplegia are not required to pay renewal fees.

ASSOCIATE BROKER REQUIREMENTS

No specifically relevant provisions were located.

SALESMAN REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section 87XX amended 1998; § 87XX1/2 history unknown; § 87ZZ amended 1980; regulatory history unknown.

[Mass. Comp. Laws ch. 112, §§ 87XX, 87XX1/2, 87ZZ \(2019\); 254 Code Regs. 5:00 \(2019\); Real Estate Continuing Education Course Listings \(last visited Nov. 17, 2019\)](#)

Massachusetts, Licensing Categories

BROKER

A "broker" is a person who, for another and for consideration, or with the intention or expectation of receiving consideration, acts as follows:

- "sells, exchanges, purchases, rents or leases, or negotiates, or offers, attempts or agrees to negotiate the sale, exchange, purchase, rental or leasing" of real estate;
- "lists or offers, attempts or agrees to list" real estate;
- deals in real estate options;
- advertises himself or herself as being engaged in the real estate business; or
- assists or directs in procuring prospects or negotiating or completing any real estate agreement or transaction.

Unless otherwise provided, no person may "engage in the business of or act as a broker" unless he or she is licensed.

A person may not engage in "the business of finding dwelling accommodations for prospective tenants for a fee" unless the person is a licensed broker or salesman.

ASSOCIATE BROKER

No relevant provisions were located.

SALESMAN

A "salesman" is an "individual who performs any act or engages in any transaction" included in the above "broker" definition, except completing the negotiation of any real estate agreement or transaction. A salesman must be affiliated with a broker. The affiliation may be as either an employee or as an independent contractor, and the salesman may, by agreement, be paid as an outside salesperson on a commission-only basis.

Unless otherwise provided, no person may "engage in the business of or act as a salesman" unless he or she is licensed.

SPECIALIST CATEGORIES

No relevant provisions were located.

Section 87PP amended 1991; § 87RR amended 2010; § 87DDD1/2 enacted 1982.

[**Mass. Gen. Laws ch. 112, §§ 87PP, 87RR, 87DDD1/2 \(2019\)**](#)

Massachusetts, Licensing Exemptions

Massachusetts real estate licensing provisions do not apply to the following:

- a person who, acting for himself as owner, lessor, lessee, tenant or mortgagee, performs any broker or salesman acts with reference to real estate owned, leased or rented by or to him, or mortgaged to him;
- a regular employee of a person acting for himself, provided the acts are performed in the regular course of managing the real estate and the investment in it;

- a person, acting for himself, who "seeks to acquire, lease or rent real estate for his own use or investment or his regular employees acting in behalf of such person in the regular course of their employment";
- a person acting for himself in negotiating a loan secured by real estate, or his regular employees so acting on his behalf in the regular course of employment;
- a managing agent acting under a contract with the owner or his regular employees acting on the agent's behalf in the regular course of employment;
- a licensed auctioneer;
- a person "buying, selling or otherwise dealing in any stock, bond or other security, or certificate of beneficial interest in any trust";
- a public officer or employee performing official duties;
- an attorney-in-fact acting under a duly executed power of attorney;
- an attorney-at-law rendering services to a client;
- a receiver, bankruptcy trustee, executor, administrator, guardian or conservator;
- a person selling real estate under court order;
- a trustee acting under a written trust, deed or declaration of trust or will, or his or her employees;

- a bank or an insurance company lawfully engaged in business, or its regular employees acting in the course of their employment, provided the entity is acting as a fiduciary or for itself in negotiating a real estate loan or with reference to real estate it owns, mortgages, leases, rents, or seeks to acquire for its own use; or
- a credit union or its regular employees acting in the course of their employment.

Section amended 1997.

[Mass. Gen. Laws ch. 112, § 87QQ \(2019\)](#)

Massachusetts, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

Applicants for a broker's license must show the completion of 40 hours of classroom instruction in additional courses in real estate instruction approved by the [Board of Registration of Real Estate Brokers and Salespersons](#). The pre-licensing curriculum will not be changed.

Service in "lower" category

Every individual applicant for a broker's license who is required to take the broker's examination must submit satisfactory proof that he or she has been "actively associated with a real estate broker" as a salesman for a period of three years. More specifically, a salesperson seeking a broker's license must:

- be employed by or affiliated with a licensed broker performing real estate activities for at least three years;
- be employed or affiliated with the broker for at least 25 hours per week under the broker's supervision; and

- obtain licensure as a broker within two years of the date that his or her employment or affiliation as a real estate salesperson terminated.

Waiver of qualifications for some professionals

An attorney-at-law in good standing in Massachusetts need not take the required examination or meet the Commonwealth's residency requirements.

The Board may exempt from the written examination requirements a licensee who is duly licensed in any other state under the laws of which a similar exemption is extended to Massachusetts licensees.

Annual fees and filings

Except in the case of a license issued to an entity or an original license, a real estate license is valid for two years from the issue date and must be renewed biennially, without examination, upon payment of the fees set forth in § 87ZZ. An entity renewing its license need not pay renewal fees. The license originally issued to an individual is valid until the "anniversary of the licensee's date of birth next occurring" more than 24 months after the issue date.

The Commissioner of Administration determines fees, which must be paid by individuals in advance for issuing and renewing a real estate license and for taking the licensing examination, provided that:

- a veteran holding an honorable discharge or a blind person are not be required to pay any examination fee; and
- a blind person or a veteran suffering from paraplegia is not required to pay license issuance or renewal fees.

A licensee may not renew a license more than one year following its expiration. A licensee who seeks to renew after his or her license has expired, but before the end of a one-year grace period must:

- make the application on the Board-provided form;

- verify to the Board's satisfaction completion of the continuing education requirements; and
- pay the required fees.

Applicant investigation

Each individual seeking a real estate license must "furnish evidence of good moral character." Accordingly, license applications must be accompanied by the recommendations of "three reputable citizens, not related to the applicant, who reside in or have their place of business" in Massachusetts. Each recommendation must:

- certify that the individual has a good reputation for honesty and fair dealing; and
- recommend that the Board grant the individual a license.

The Board may also require an applicant:

- to appear at the Board's office for an interview; and
- to submit a "report from an independent source pertaining to the individual's previous occupation or any other information which is material to" the individual's qualification for a real estate license.

"Good moral character" is determined by evaluating an applicant's "demonstrated honesty, trustworthiness, integrity, accountability, reliability, ability to distinguish between right and wrong and to observe the difference between the two, avoidance of aggression to self and others, and avoidance of injustice and deceit, among other relevant attributes." An applicant will be permanently barred from licensure if he or she has committed any one of certain felonies listed by the Commission. An applicant will be temporarily barred from licensure if:

- he or she is guilty of an offense that does not call for a permanent bar;
- he or she knowingly falsified, or knowingly attempted to falsify, any documentation or information submitted on an application for examination or licensure that is directly related to the qualifications for such examination or licensure; or
- he or she cheated on any examination for licensure offered by the Board or through its agent.

A temporary bar will last for five years from the date of the commission of the acts that gave rise to the bar, and at least one year from the successful completion of any court-ordered requirements.

Examinations

A real estate license applicant generally must satisfactorily pass a written examination, conducted by the Board or an independent testing service designated by the Board. The examination must enable the Board to determine the applicant's competence to transact the business of a real estate broker or salesman. To determine competence, the Board must require proof that the applicant "has a fair understanding" of:

- the principles of real estate practice, real estate agreements and principal-agent relationships;
- the rudimentary principles of real estate economics and appraisals; and
- the relevant statutory provisions (§§ 87PP–87DDD, inclusive).

Before taking the examination, applicants must submit certifications to the Board indicating that he or she has completed the required education. The certification is valid for 24 months following the examination date.

An individual who fails the written examination may be re-examined by paying the required fee.

An individual who passes the examination must pay the required license fee within 30 days from the

notification date. If he or she does not pay the required fee within the specified time period, the individual must be re-examined and pay the examination fee for the additional examination. The Board may waive this requirement "upon showing of good cause."

Other prerequisites

A license may not be issued to a broker's license applicant unless he or she:

- has complied with all pertinent statutory provisions (as described above);
- if the applicant is an individual, has satisfactorily passed the written examination; and
- has had his or her "principal place of abode" within Massachusetts for the one year before the license is issued.

License applications must be:

- signed and sworn;
- made on Board-furnished forms; and
- accompanied by the appropriate examination fee.

The Board will not issue a license unless the application has been on file with the Board at least 10 days.

Every license applicant must:

- furnish evidence that he or she is a United States citizen; or

- present to the Board a copy of a certified declaration of intent to become a citizen or a certificate from the federal Immigration and Naturalization Service, showing that he or she has declared an intent to become a citizen.

The Board will not issue a broker's license:

- to an individual under the age of 18;
- until the applicant gives the Board a \$5000 bond payable to the commonwealth, for the benefit of any aggrieved person.

Corporate licensees

If an entity applies for a broker's license, it must furnish "evidence of the good moral character of all the officers and directors, or holders of similar positions, or of all the partners," as applicable. An application for a broker's license by an entity must designate at least one of its officers or partners as its representative, who must apply for a broker's license in his or her own name at the same time, unless he or she is already a licensed broker. If the Board refuses a designated officer or partner a license or renewal or revokes or suspends that person's license, or if the licensee ceases to be connected with or to act on behalf of the entity, the entity may designate another representative.

No other individual connected with the entity may act as a broker or salesman without first obtaining a license. Any other licensed broker or salesman may act on the entity's behalf, if so authorized.

The Board may not issue a salesman's license to an entity.

A licensed limited liability company or limited liability partnership must maintain professional liability insurance that meets the requirements set forth in r. 2.00(12).

ASSOCIATE BROKER QUALIFICATIONS

No relevant provisions were located.

SALESMAN QUALIFICATIONS

Education

Applicants for a salesman's license must complete 40 classroom hours of instruction before taking the examination.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

A Massachusetts attorney is not required to take the examination. An applicant who has successfully completed a course in real property while enrolled in an accredited law school in Massachusetts may take the examination without fulfilling the educational requirements.

The Board may exempt from the written examination requirements a licensee who is duly licensed in any other state under the laws of which a similar exemption is extended to Massachusetts licensees.

Annual fees and filings

All real estate licensees are subject to the same general annual fee and filing requirements. (See "BROKER REQUIREMENTS" above.)

A licensed salesman must promptly give written notice to the Board of any change of business address.

Applicant investigation

All real estate licensees are subject to the same investigation requirements. (See "BROKER REQUIREMENTS" above.)

Examinations

A real estate license applicant must satisfactorily pass a written examination, conducted by the Board or an independent testing service designated by the Board. The examination must enable the Board to determine the applicant's competence to transact the business of a broker or a salesman.

To determine competence, the Board must require proof that the applicant "has a fair understanding" of:

- the principles of real estate practice, real estate agreements and principal-agent relations;

- the rudimentary principles of real estate economics and appraisals; and
- the relevant statutory provisions (§§ 87PP–87DDD, inclusive).

The salesman's license examination is based on the same general subject matter as the broker's license examination, but it is "more elementary in character."

Before taking the examination, applicants must submit certification to the Board that he or she has completed the required education, which certification is valid for 24 months following the examination date.

An individual who fails the written examination may be re-examined by paying the required fee.

An individual who passes the examination must pay the required license fee within 30 days from the notification date. If he or she does not pay the required fee within the specified time period, the individual must be re-examined and pay the examination fee for the additional examination. The Board may waive this requirement "upon showing of good cause."

Other prerequisites

A license may not be issued to a salesman's license applicant unless he or she:

- has complied with all pertinent statutory provisions (as described above); and
- has satisfactorily passed the written examination.

Signed and sworn license applications must be:

- made on Board-furnished forms; and
- accompanied by the appropriate examination fee.

The Board will not issue a license unless the application has been on file with the Board at least 10 days.

Every license applicant must:

- furnish evidence that he or she is a United States citizen; or
- present to the Board a copy of a certified declaration of intent to become a citizen or a certificate from the federal Immigration and Naturalization Service, showing that he or she has declared an intent to become a citizen.

SPECIALIST QUALIFICATIONS

No relevant provisions were located.

Section 87WW enacted 1957; § 87VV amended 1978; §§ 87UU and 87ZZ amended 1980; § 87TT amended 1996; § 87XX amended 1998; § 87SS amended 2010 effective 06/01/11; regulatory history unknown; Licensure Policy revised 2016.

[Mass. Gen. Laws ch. 112, §§ 87SS, 87TT, 87UU, 87VV, 87WW, 87XX, 87ZZ \(2019\); 254 Mass. Code Regs. 2.00 \(2019\); Licensure Policy 04-07-08 \(rev'd Nov. 14, 2016\)](#)

Michigan

Michigan, Continuing Education Approval

PROVIDER

General requirements

An eligible “continuing education course” is a course that is reviewed and certified by a statewide real estate association that has a membership representing more than 18,000 licensees. A school, institution, program, or other person that has been denied certification as an eligible continuing education course by such a statewide real estate association may petition the [Department of Licensing and Regulatory Affairs](#) to review the association’s decision.

If a statewide real estate association with a membership representing more than 18,000 licensees does not exist, then continuing education courses must be approved by the Board.

Distance learning course approval

Delivery systems that have met the distance education criteria for current certification by the association of real estate license law officials (ARELLO) are acceptable as follows:

- proof of ARELLO certification must be provided with the application for course approval; and
- the approval to offer distance learning courses is suspended upon withdrawal or expiration of ARELLO certification.

Approved equivalent delivery systems may be used.

The school or sponsor must describe in detail how it will "remedy hardware and software failures."

Advertising

No relevant provisions related to continuing education courses were located.

Student records

Each approved real estate school must maintain a record for each student. The student records must contain:

- the student's name and address;
- the clock hours attended;
- the student's grade, if an examination is required;

- the course-completion date;
- the last four digits of the student's social security number;
- the student's birth date; and
- the real estate license identification number, if applicable.

Certificates of completion

A real estate school or sponsor must issue a certificate of completion to each student who successfully completes an approved real estate course.

Other submissions

At least 30 days before courses are held, schools and sponsors must submit to the Department each course's schedule and geographic location.

Within five business days of concluding the last course, schools and sponsors must submit the names of students who successfully completed an approved course.

CONTENT

An association that reviews continuing education courses must ensure that all continuing education courses that are offered to licensees are compliant with Mich. Comp Laws § 339.2504a, and involve subjects that are relevant to the management, operation and practice of real estate or otherwise contribute to the professional competence of the licensee.

MATERIALS

Students must receive a syllabus that contains at least the following information:

- the course title;
- the course times and dates;
- the course coordinator's and instructor's names, addresses and telephone numbers; and
- a detailed outline of the subject matter.

INSTRUCTOR QUALIFICATIONS

The Department must approve an instructor before he or she teaches any real estate course. Instructors who meet at least one of the following criteria are deemed approved:

- is a real estate course instructor who is or has been engaged in teaching at an accredited institution of higher learning; or
- is properly licensed or certified and is engaged in "the real estate aspects of appraising, financing, marketing, brokerage management, real property management, real estate counseling, real property law, or other related subjects."

Instructors are responsible for:

- complying with all real estate education laws and rules;
- providing students with "current and accurate information";
- maintaining an environment that is "conducive to learning";

- assuring and certifying accurate attendance;
- assisting students and responding to questions; and
- attending required workshops or programs.

The real estate school or sponsor must:

- submit to the Department each instructor's qualifications at least 60 days before the instructor is scheduled to teach; and
- designate at least one individual as the coordinator, who is responsible for supervising the course program and assuring compliance.

PRIOR APPROVAL REQUIREMENT

On or after January 1, 2015, continuing education courses no longer require pre-approval and schools are no longer required to report the hours as a condition of renewal of a broker or salesperson license.

EXAMINATION

Examination requirements

Course examinations are not required for continuing education courses unless required by the sponsor.

Proctors

No relevant provisions were located.

Regulations 339.22604, .22605, .22613, .22601, .22602, .22603, .22607, .22607, .22609, .22611 rescinded 2018; r. 339.2201 amended 2018; all other rules promulgated 2018

[Mich. Admin. Code rr. 339.22101, .22621, .22622, .22623, .22624, .22626, .22632 \(2019\)](#)

Michigan, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

No relevant provisions were located.

Required hours

Real estate brokers, associate brokers, and salespersons must successfully complete six hours of continuing education for each year of the license cycle, beginning with the license cycle commencing November 1, 2018. Two hours of legal education courses involving statutes, rules, and court cases are required in each year of a license cycle; remaining hours may be completed at any time during the license cycle.

The Department may renew the license of a licensee who has completed at least 18 hours of continuing education in the required subject matter areas during the three-year license cycle but has not otherwise met the above requirements if the licensee shows that he or she had good cause for not complying with the requirements.

The number of hours of any education course that a licensee successfully completes to obtain professional designation is counted toward the total continuing education hours required in a three-year license cycle.

Credits used to meet continuing education requirements do not apply toward the real estate broker's license prelicensure education requirements, and conversely, credits completed under real estate broker's license prelicensure education requirements do not apply toward continuing education requirements.

Effective March 29, 2017, if a license is issued after the beginning of the current license cycle for that license, the Department may prorate the number of hours of eligible continuing education that licensee is required to complete for the year of the license cycle in which the license is issued.

Credit for completing a course may be granted only once during each renewal period.

Minimum class length

A course must be taught for no less than one clock hour, not including time spent on breaks, meals, or other unrelated activities.

A "clock hour" is a period of at least 50 minutes of "actual classroom instruction," not including outside assignments and reading.

Subjects

Two hours of legal education courses involving statutes, rules, and court cases are required in each year of the three-year license cycle.

A course successfully completed to obtain a professional designation is counted toward the total number of credits required during a three-year license cycle.

Attendance requirements

A student must attend "100% of a course" in order to obtain credit.

Each licensee must present a state-issued photo identification or acceptable alternate photo identification and his or her pocket card or license identification number at the time of course attendance.

Online classes

For distance learning, a "clock hour" is "the amount of material a student can process in 50 minutes of computerized instruction."

For courses conducted through distance education, the school or sponsor must ensure that the student whose attendance is reported is the same person who completed the distance education

course, by taking "appropriate measures" to ensure accurate verification of each licensee's identity.

Other requirements

The Department may re-license without examination a licensee whose license has lapsed for less than three years if the licensee shows proof of completion of at least six clock hours of continuing education for each year or partial year the license was lapsed. The Department may re-license a broker whose license has lapsed for three or more years if the licensee provides proof of:

- six clock hours of continuing education for each year or partial year the license was lapsed;
- ninety clock hours of pre-licensure instruction in the 12-month period preceding the date of the application; or
- passing the examination required for licensure as a broker.

A licensee must retain evidence of completion of continuing education requirements for at least four years after he or she has certified to the Department his or her compliance upon license renewal.

ASSOCIATE BROKER REQUIREMENTS

See "Broker Requirements" above.

SALESPERSON OR AGENT REQUIREMENTS

See "Broker Requirements" above.

The Department may re-license a salesperson whose license has lapsed for three or more years if the licensee provides proof of:

- six clock hours of continuing education for each year or partial year the license was lapsed;

- forty clock hours of pre-licensure instruction in the 12-month period preceding the date of the application; or
- passing the examination required for licensure as a salesperson.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Sections 339.2502a, .2504a amended 2016; regulation 339.22101 amended 2018.

[Mich. Comp. Laws Ann. §§ 339.2502a, .2504a \(2019\); Mich. Admin. Code rr. 339.22101, 22629, 22630 \(2019\); Bureau of Prof. Licensing, *Real Estate Continuing Education Requirements for Renewal*](#)

Michigan, Licensing Categories

BROKER

A "real estate broker" is "an individual or business entity who with intent to collect or receive a fee, compensation, or valuable consideration," acts as follows:

- "sells or offers for sale, buys or offers to buy, provides or offers to provide market analyses of, lists or offers or attempts to list, or negotiates the purchase or exchange of real estate;"
- negotiates the mortgage of real estate;
- negotiates for the construction of a building on real estate";
- leases, rents or offers rent real estate or improvements for others, "as a whole or partial vocation";

- "engages in property management as a whole or partial vocation";
- "sells or offers for sale, buys or offers to buy, leases or offers to lease, or negotiates the purchase or sale or exchange of a business, business opportunity, or the goodwill of an existing business for others"; or
- "engages in the sale of real estate as a principal vocation."

ASSOCIATE BROKER

An "associate broker" is an individual who meets the requirements for licensure as a real estate broker and who is licensed as an associate real estate broker under § 339.2505 to provide real estate brokerage services as an employee or independent contractor of a real estate broker.

SALESPERSON OR AGENT

A "real estate salesperson" is an individual who

- for compensation or valuable consideration, is employed by a licensed real estate broker "to sell or offer to sell, buy or offer to buy, provide or offer to provide market analyses of, list or offer or attempt to list, or negotiate the purchase, sale or exchange of real estate"; to negotiate the mortgage of real estate; to negotiate the construction of a building; to lease, rent or offer real estate; or to engage in property management; or
- "sells or offers for sale, buys or offers to buy, leases or offers to lease, or negotiates the purchase or sale or exchange of a business, business opportunity, or the goodwill of an existing business for others, as a whole or partial vocation."

SPECIALIST CATEGORIES

Michigan law does not specifically identify specialist categories. However, generally, "professional designation" means "a certification from a real estate professional association that an individual has attained proven skills or education in a real estate occupational area, and may include the right to

use a title or letters after the licensee's name that represent the designation awarded by the certifying entity."

Section 339.2501 amended 2016; § 339.2508 amended 2014.

[Mich. Comp. Laws § 339.2501\(d\), \(e\), \(f\), \(g\), \(h\); .2508\(2\) \(2019\)](#)

Michigan, Licensing Exemptions

Michigan statutes that address real estate licensing (article 25) do not apply to:

- an individual or entity, who as owner, sells or offers for sale a detached, one- to four-family dwelling that has never been occupied and that was built by an individual or entity while licensed as a residential builder;
- an individual or entity, who as owner or lessor, or an attorney-in-fact of the owner or lessor, or a person appointed by a court who "performs an act as a real estate broker or real estate salesperson with reference to property owned by it, unless performed as a principal vocation not through a licensed real estate broker";
- an attorney rendering services as an attorney;
- a receiver, bankruptcy trustee, administrator, executor, person selling under court order or trustee selling under a deed of trust, provided that a trustee's exemption does not apply to repeated or successive real estate sales, unless the sale is made through a licensed real estate broker; or
- a person regulated under the Mortgage Brokers, Lenders and Servicers Licensing Act, who does not perform any other act requiring a real estate license.

Note: Effective March 29, 2017, unless the owner engages the services of a real estate broker, an individual who is the owner of real estate must obtain a license as a real estate broker to engage in the sale of real estate as a principal vocation. Each of the following is considered engaging in the sale of real estate as a principal vocation:

- engaging in more than five real estate sales in any 12-month period;
- representing to the public that he or she is principally engaged in the sale of real estate;
- devoting over 50 percent of his or her working time, or more than 15 hours per week in any six-month period, to the sale of real estate or
- if he or she is a real estate salesperson, a sale of real estate other than his or her principal residence.

Section 339.2503 amended 2016; § 339.2502b enacted 2016.

[Mich. Comp. Laws §§ 339.2502b, .2503 \(2019\)](#)

Michigan, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A broker's license applicant must have successfully completed at least 90 clock hours of approved classroom courses in real estate, of which no fewer than nine hours must be instruction regarding civil rights law and fair housing law. Those 90 hours must be in addition to the hours required to obtain a salesperson's license.

Approved courses may cover the following topics:

- real estate license laws and regulations;
- real property law;

- tax laws that affect real property;
- conveyances;
- financing;
- real property appraisal;
- design and construction;
- "marketing, exchanging, and counseling";
- agency laws;
- sales and office management;
- real estate securities and syndications; and
- investments, including property management.

An applicant must complete the required broker prelicensure education no more than 36 months before his or her application date, unless he or she has held a salesperson license during the intervening period.

No more than one course on the same subject is accepted for credit.

A pre-licensure course must be conducted by:

- a local public school district;
- a community college;
- an "institution of higher education" that is authorized to grant degrees; or
- a licensed proprietary school licensed.

An applicant may submit courses completed at an accredited college, university or law school for consideration in determining that the applicant has met the prelicensure education requirements.

Service in "lower" category

A broker's license applicant must have three years of full-time experience in the real estate business or in a field that the [Department of Licensing and Regulatory Affairs](#) determines to be relevant and related to the real estate business.

For purposes of determining the time during which a license applicant has been engaged in the real estate business, the Department must grant the following credit:

- for a real estate salesperson or broker, one year of credit for each 12-month period in which in which he or she closed five or more real estate transactions;
- for a builder, one year of credit for each 12-month period in which the applicant built and personally sold or leased five residential, commercial or industrial units (or a combination thereof);
- for an investor, six months of credit for each five real property purchases or sales the applicant personally negotiated for his or her own account, with a maximum credit of one year, provided that no credit is granted if the applicant has more than five sales in any 12-month period in violation of Mich. Comp. Laws § 2502b;

- for a land or condominium developer, one year of credit for each two developments or subdivisions containing at least 10 units or parcels that the applicant has bought, subdivided and improved for sale as lots or dwellings;
- for attorneys, one year of experience for each year in which he or she conducted six real estate transactions as an attorney;
- one year of credit for managing at least 10 units, located in Michigan, for three or more years;
- for a licensed real estate appraiser one year of credit for each period equivalent to at least 40 hours per week, and at least 48 weeks per year, in which he or she acted as a real estate appraiser; and
- for related occupations, one year of credit for "each period equivalent to 40 hours per week, 48 weeks per year, in which the applicant has worked in a capacity" directly related to acquiring, financing, or conveying real estate, or in positions in which he or she has been directly involved in real estate business, including being the decision-making authority in any of the following positions:
 - a loan or trust officer of a "federal or state-regulated depository institution";
 - a mortgage company loan or trust officer;
 - a real estate officer of a corporation that is not a licensed real estate broker; or
 - a title insurance company officer engaged in closing escrow accounts and real estate closings.

If a person must be licensed to perform one of the above activities, no credit is granted for experience unless the applicant has the proper license.

Waiver of qualifications for some professionals

Pursuant to Department rule, the Department will give credit for the following in meeting the broker prelicensure education requirements:

- a law degree will be considered equivalent to 60 clock hours of real estate education which shall include credit for six hours of instruction in civil rights law and fair housing law.;
- a master's degree in business administration or finance from a degree- or certificate-granting public or independent nonprofit college or university, junior college, or community college is considered equivalent to 60 clock hours of real estate education; and
- a bachelor's degree in business or finance from a degree- or certificate-granting public or independent nonprofit college or university, junior college, or community college is considered equivalent to 30 clock hours of real estate education.

The Department may waive the continuing education requirement if, after receiving a written application, it finds the failure of the licensee to attend was due to the licensee's disability, military service, or absence from the continental United States or due to circumstances beyond the control of the licensee that the Department considers sufficient cause for waiver.

Annual fees and filings

A license renewal applicant may continue to operate as previously licensed, if he or she has met the following conditions by the expiration date:

- submitted a complete renewal application;
- submitted the required fee; and
- completed the required continuing education.

A person who fails to renew a license within 60 days of its expiration must apply for relicensure.

Applicant investigation

The Department:

- may not issue a real estate broker's license to a new applicant who has been convicted of embezzlement or misappropriation of funds;
- may require an applicant to submit a report from an independent source regarding his or her previous occupation, criminal record or any other material information; and
- may require proof of a broker license applicant's "business experience, competence, and good moral character."

Examinations

An applicant for a broker's license must pass an examination establishing that the applicant has:

- a "fair knowledge of the English language, including reading, writing, spelling, and elementary arithmetic";
- a "satisfactory understanding" of:
 - the fundamentals of real estate practice;
 - the "laws and principles of real estate conveyancing, deeds, mortgages, land contracts, and leases";

- a broker's obligations to the public and a principal; and
- the "law defining, regulating, and licensing real estate brokers and salespersons."

Exceptions to the written examination requirements may be granted to the following:

- an applicant who qualifies under the Americans With Disabilities Act, who may request reasonable accommodations;
- an applicant who, within the past three years, has held a license as a salesperson, broker, or associate broker; and
- an applicant for a broker or associate broker license who, after surrendering his or her license, has been continuously licensed as a salesperson since the surrender.

A passing score on an examination (or part of an examination, if given in separate parts) is valid for one year from the examination date.

Other prerequisites

A broker's license application must set forth:

- the applicant's present business and residence addresses;
- the address of "each former place where the applicant has resided or been engaged in business, or acted as a real estate salesperson, for a period of 60 days or more," during the five years before the application date;
- the name of the individual or entity and the location of the place for which the license is desired; and

- the time period during which the applicant has been engaged in the business.

Before issuing a license, the Department may require satisfactory proof of the "business experience, competence, and good moral character" of the applicant or an officer or member of an applicant.

An applicant must be at least 18 years old.

The license fee is \$36 per year.

A broker license will be issued to an entity only if the individual who holds the broker license is identified on the application as:

- a sole proprietor;
- a partner in a partnership;
- a partner in a limited partnership;
- an officer of a professional corporation;
- an association member or manager; or
- a person in a "responsible position of authority" in another authorized legal entity.

All corporate applicants must be formed and filed with the Corporations Division as professional corporations (PC). All corporate officers and shareholders must hold real estate licenses, and all corporate officers must be licensed as real estate brokers.

ASSOCIATE BROKER QUALIFICATIONS

An associate real estate broker's license is issued only to individuals. Otherwise, an applicant for an associate real estate broker's license is "subject to the same requirements as an applicant for a real estate broker's license." See "BROKER QUALIFICATIONS" above.

SALESPERSON OR AGENT QUALIFICATIONS

Education

Before taking the real estate salesperson's examination, an applicant must show proof of successful completion of at least 40 clock hours of classroom courses in real estate principles, of which at least four clock hours must be instruction on civil rights law and equal opportunity in housing.

Approved courses may cover the following topics:

- real estate license laws and regulations;

- real property law;

- tax laws that affect real property;

- conveyances;

- financing;

- real property appraisal;

- design and construction;

- "marketing, exchanging, and counseling";
- agency laws;
- sales and office management;
- real estate securities and syndications; and
- investments, including property management.

An applicant must complete his or her prelicensing education no more than 36 months before the application date.

A pre-licensure course must be conducted by:

- a local public school district;
- a community college;
- an "institution of higher education" that is authorized to grant degrees; or
- a proprietary school licensed by the department of career development.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

No relevant provisions were located.

Annual fees and filings

A license renewal applicant may continue to operate as previously licensed, if he or she has met the following conditions by the expiration date:

- submitted a complete renewal application;
- submitted the required fee; and
- completed the required continuing education.

A person who fails to renew a license within 60 days of its expiration must apply for relicensure.

The license fee is \$26 per year.

Applicant investigation

Before issuing a license, the Department may require proof of a salesperson's license applicant's "business experience, competence, and good moral character."

Examinations

An applicant for a salesperson's license must pass an examination establishing that the applicant has:

- a "fair knowledge of the English language, including reading, writing, spelling, and elementary arithmetic";

- a "satisfactory understanding" of:
 - the fundamentals of real estate practice;
 - the "laws and principles of real estate conveyancing, deeds, mortgages, land contracts, and leases";
 - a broker's obligations to the public and a principal; and
 - the "law defining, regulating, and licensing real estate brokers and salespersons."

Exceptions to the written examination requirements may be granted to the following:

- an applicant who qualifies under the Americans With Disabilities Act, who may request reasonable accommodations;
- an applicant who, within the past three years, has held a license as a salesperson, broker, or associate broker; and
- an applicant for a broker or associate broker license who, after surrendering his or her license, has been continuously licensed as a salesperson since the surrender.

A passing score on an examination (or part of an examination, if given in separate parts) is valid for one year from the examination date.

Other prerequisites

A salesperson's license applicant must state:

- the time period during which the individual has been engaged in the business;
- the name of the applicant's last employer;
- the name and place of business of the individual or entity that is employing or will employ the applicant. The real estate broker who will employ the applicant must sign the application.

An applicant must be at least 18 years old.

Salesperson licenses are issued only to individuals.

SPECIALIST QUALIFICATIONS

No relevant provisions were located.

Sections 339.2504, .204 amended 2016; § 339.2505 amended 2016; § 339.2508 amended 2014; § 339.2513 enacted 1980; r. 339.22201, .339.22205 and 339.22207 rescinded 2018; r. 339.22203 amended 2018; r. 339.22217 promulgated 2018.

[Mich. Comp. Laws §§ 339.204, .2504\(1\)–\(3\), .2505\(1\), \(2\), \(4\), \(5\), .2508\(2\), .2513 \(2019\)](#); [Mich. Admin. Code rr. 339.22203, .22217 \(2019\)](#); [Bureau of Prof. Licensing, Mich. Real Estate Licensing Guide \(Sept. 20, 2018\)](#)

Minnesota

Minnesota, Continuing Education Approval

PROVIDER

General requirements

The [Commissioner of Commerce](#) ("Commissioner") approves courses and instructors.

The Commission may approve courses that are:

- offered by Minnesota educational institutions of higher learning; or
- developed by and offered under the National Association of Realtors, its affiliates, or private real estate schools.

A course may be approved based on an approved provider's certification that the course complies with the applicable laws and rules.

Approved continuing education courses:

- may be sponsored or offered by a broker of a real estate company;
- may be held on the premises of a licensed real estate company;
- must be open to any interested individuals; and
- admission may be restricted only on the basis of class size.

Except for self-study courses, all courses must be conducted in a classroom or other facility that is adequate to comfortably accommodate the faculty and the number of students enrolled.

Approval applications

Providers must submit courses for approval 30 days before the course offering. The Commission will grant approval for a subsequent offering of an identical continuing education course without requiring a new application.

Distance learning course approval

The Commissioner may not approve a course that a student can complete at home or outside the classroom without an instructor's supervision, except for "accredited courses using new delivery technology, including interactive technology, and the Internet."

Courses offered over the internet must:

- specify the minimum system requirements;
- provide encryption to protect all personal information;
- include technology to guarantee seat time;
- have a high level of interactivity;
- include graphics that reinforce the content;
- include the ability for the student to contact an instructor within a reasonable amount of time;
- allow the student to get technical support within a reasonable amount of time;
- include a statement that the student's information will not be sold or distributed to any third party without prior written consent of the student;
- be available 24 hours a day, seven days a week, excluding minimal down time for updating and administration;
- provide viewing access to the online course at all times to the Commissioner;
- include a process to authenticate the student's identity;

- inform the student and the Commissioner how long the course will be available after its purchase;
- inform the student that credit will not be awarded for taking the course after it loses its status as an approved course;
- provide clear instructions on how to navigate through the course;
- provide automatic bookmarking at any point in the course;
- provide questions after each unit or chapter that must be answered before the student can proceed to the next unit or chapter;
- include a reinforcement response when a quiz question is answered correctly;
- include a response when a quiz question is answered incorrectly;
- include a final examination;
- allow the student to go back and review any unit at any time, except during the final examination;
- provide a course evaluation at the end of the course; and
- provide a completion certificate. Electronic certificates are sufficient.

Advertising

Advertising must be truthful and not deceptive or misleading. Courses may not be advertised as approved unless approval has been granted in writing.

All advertising must prominently display one of the following statements:

- For prelicense education courses, "This course has been approved by the Minnesota Commissioner of Commerce for real estate prelicense education."
- For continuing education courses, "This course has been approved by the Minnesota Commissioner of Commerce for hours of real estate continuing education."
- Courses must not be advertised before approval, unless application for approval has been made and the course is described in the advertising as "approval pending." Advertising of approved courses must be clearly distinguishable from the advertisement of other nonapproved courses and services.
- If the course offering is longer than the number of hours of credit to be given, it must be clear that credit is not earned for the entire course.

Student records

The coordinator must maintain for three years accurate records related to "course offerings, instructors, tests taken by students, and student attendance." The coordinator must make the records available to the Commissioner upon request.

Certificates of completion

A real estate education course completion certificate must be in the form set forth by the Commissioner. Students are responsible for maintaining their course completion certificates.

A written certificate of completion is not required if the certificate has been electronically delivered to the Department of Commerce or its designated licensing contractor.

Other submissions

A coordinator must furnish the Commissioner, upon request, with copies of course and instructor evaluations and instructors' qualifications.

CONTENT

As part of the continuing education requirements, all real estate brokers and salespersons must receive the following during each license period:

- at least one hour in courses regarding agency representation and disclosure laws and regulations; and
- at least one hour of training in courses regarding "state and federal fair housing laws, regulations, and rules, other anti-discrimination laws, or courses designed to help licensees to meet the housing needs of immigrant and other underserved populations."

This requirement does not apply to a salesperson or broker "engaged solely in the commercial real estate business who file with the commissioner a verification of this status" along with his or her continuing education report.

All licensees are required to receive either 3.75 or 7.5 hours of module training every license year as a part of the thirty hours of continuing education required during each two-year license period. The Commissioner shall determine what modules are required each year, and also will determine the number of credit hours for each module.

The modules must cover topics in real estate that are significant and of current interest in the real estate market and profession. When the Commissioner has created a module, the Commissioner must publicize to licensees and to real estate continuing education providers an outline of the topics covered by the module, and the credits associated with it, no later than April 1 of each year. Credit for each module will be contingent upon the licensee's successful completion of it, as established by a written test.

Modules must include one hour each license year specifically designed to address issues relevant to brokers.

The Commissioner will not approve the following for credit:

- courses meant solely to prepare for a license examination;
- courses in mechanical office or business skills, such as typing, speed reading, or other machines or equipment. Computer skills courses are allowed, if appropriate and related to the real estate industry;

- courses in sales promotion, including meetings held in conjunction with the general business of the licensee;
- courses in motivation, salesmanship, psychology, time management, or communication;
- courses related to office management or intended to improve the operation of the licensee's business; and
- courses that are primarily intended to impart knowledge of specific products of specific companies, if the use of the product or products relates to the sales promotion or marketing of one or more of the products discussed.

MATERIALS

A sponsor need not use textbooks for a continuing education course, unless the course is also an approved prelicense course. If the course does not use a textbook, the sponsor must provide students with a syllabus containing at least the following:

- the course title;
- the course offering's times and dates;
- the course coordinator's and instructor's course offering, names and addresses or telephone numbers; and
- a "detailed outline of the subject materials to be covered."

Any written or printed material must be "of readable quality and contain accurate and current information."

The coordinator is responsible for "assuring that students are provided with current and accurate information relating to the laws and rules governing their licensed activity."

A sponsor must have available an adequate supply of supplementary materials to be used or distributed in connection with an approved course.

At the beginning of each approved course, the sponsor must provide the following notice, in printed form or orally: "This educational offering is recognized by the Minnesota commissioner of commerce as satisfying hours of credit toward (choose one or more of the following as appropriate: prelicensing, postlicensing, or continuing) (insert appropriate industry) education requirements."

INSTRUCTOR QUALIFICATIONS

The course coordinator must supervise and evaluate courses and instructors, including, among other things, ensuring that instructors are qualified to teach the course.

Each course, except a self-study course, must have an instructor who is "qualified by education, training, or experience to ensure competent instruction." A qualified continuing education instructor must have one of the following qualifications:

- a four-year degree in any area, plus two years' practical experience in the course's subject area;
- five years' practical experience in the course's subject area; or
- a college or graduate degree in the course's subject area.

An approved instructor is responsible for the following:

- complying with laws and rules related to "industry education";
- providing "current and accurate information";

- maintaining an atmosphere that is conducive to learning;
- assuring and certifying students' attendance;
- assisting students and responding to questions related to course materials; and
- attending any Commission-required workshops or instructional programs.

A coordinator and an instructor may not act as follows in connection with an approved course:

- recommend or promote a particular business's services or practices;
- "encourage or recruit individuals to engage the services of, or become associated with, a particular business";
- use "materials, clothing, or other evidences of affiliation" with an entity;
- require students to participate in other programs or services the instructor, coordinator or sponsor offers;
- attempt to discover the licensing examination's questions or answers;
- disseminate specific questions, problems or information he or she knows or believes to be included in the licensing examination;
- misrepresent any information he or she submits to the Commissioner;

- fail to cover all "points, issues, and concepts contained in the course outline approved by the Commissioner"; or
- issue inaccurate course completion certificates.

PRIOR APPROVAL REQUIREMENTS

Approval timing

The Commissioner must approve courses in advance. A sponsor must submit a course 30 days before the course offering. The Commission will grant approval for a subsequent offering of an identical continuing education course without requiring a new application if the sponsor files a notice of the subsequent offering at least 30 days before the date the course is to be held.

EXAMINATION

Examination requirements

Except for courses conducted over the internet, a course examination is not required for continuing education courses. If a prelicense course is used for continuing education, the licensee must take the same examination as is required for those taking the course for prelicensing purposes.

Continuing education modules require completion of an examination.

A self-study continuing education course will not be approved unless it is "objectively verifiable" that:

- the course includes a closed book, end-of-course examination; and
- the successful completion of the examination can be objectively documented.

Proctors

Each course of study must have at least one coordinator responsible for supervising the program and assuring compliance with all laws and rules. The coordinator must be approved by the Commissioner of Commerce.

Section 45.304 enacted 2011; §§ 45.306, .33, .36, .37, .38, .39 enacted 2009; §§ 45.31 amended 2010; §§ 45.30 and 45.35 amended 2011; §§ 45.32, 82.61 amended 2014; § 45.307 amended 2013.

[Minn. Stat. §§ 45.30, .304, .306, .307, .31, .32, .33, .35, .36, .37, .38, .39, 82.61 \(2019\)](#)

Minnesota, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

The Commission may waive Minnesota's continuing education requirements for individuals of other jurisdictions, provided that:

- a written reciprocal licensing agreement exists between the Commissioner and the other jurisdiction's licensing officials;
- the individual is licensed in the other jurisdiction; and
- that jurisdiction's licensing requirements are "substantially similar" to Minnesota's requirements.

A qualified instructor earns three hours of continuing education credit for each classroom hour of approved instruction. However, an instructor may not earn credit if he or she has previously obtained credit for the same course, as either a student or an instructor, during the past three years.

An individual who wishes to receive credit for continuing education courses that the Commission has not previously approved may submit the course information for approval. The courses must comply with the laws and rules governing the types of courses that the Commission may approve.

If a licensee is "unable, and will continue to be unable, to attend actual classroom course work or complete a self-study program because of a physical handicap, medical condition, or similar reason," the Commission may waive attendance at continuing education courses for a period of up to one year. However, the individual must "read a sufficient number of textbooks, or listen to a

sufficient number of tapes" that are related to the industry, as are necessary to satisfy the licensee's "educational credit hour needs." The Commissioner must award credit hours for reading books or listening to tapes by determining how many credit hours it would grant to a classroom course involving the same material. The licensee may apply each year for a new waiver on the same terms and conditions by demonstrating in subsequent years that he or she was unable to complete a self-study course. The Commissioner may request documentation of the licensee's condition.

Upon written proof demonstrating a financial or medical hardship, the Commissioner may extend, for up to 90 days, the time period for completing a continuing education requirement. "Loss of income from either attendance at courses or cancellation of a license is not a bona fide financial hardship." A licensee's extension request must:

- be submitted no later than 60 days before the education is due;
- include an explanation, with verification, of the hardship; and
- include verification of enrollment at an approved course of study.

Required hours

A real estate salesperson and broker must successfully complete 30 hours of real estate continuing education, as a student or a lecturer, in Commission-approved courses, during his or her initial and each succeeding 24-month license period. The licensee must complete at least 15 of the 30 credit hours during the first 12 months of the 24-month licensing period.

A licensee may not earn credit if he or she has previously obtained credit for the same course during the same licensing period.

A licensee may take an approved prelicense course for continuing education if:

- he or she has not taken the course in the previous three years; and
- the Commissioner determines that the course is appropriate and related to the licensee's license.

The thirty-hour prelicense course for brokers may be used for continuing education credit by brokers and salespersons if it is completed during the appropriate licensing period.

Minimum class length

A course must be at least one hour in length.

Subjects

As part of the continuing education requirements, all real estate brokers and salespersons must complete the following during each license period:

- at least one hour in courses regarding agency representation and disclosure laws and regulations;
- at least one hour of training in courses regarding "state and federal fair housing laws, regulations, and rules, other antidiscrimination laws, or courses designed to help licensees to meet the housing needs of immigrant and other underserved populations"; and
- required module(s).

This requirement does not apply to a salesperson or broker "engaged solely in the commercial real estate business who file with the commissioner a verification of this status" along with his or her continuing education report.

Continuing education generally consists of "approved courses that impart appropriate and related knowledge in the field for which approval is requested." The burden of showing that a course meets this requirement is on the person seeking approval or credit. The Commissioner will approve:

- an offering approved by the Minnesota Board of Continuing Legal Education relating to the specific industry for which a person seeks approval;

- an offering approved by the regulatory agency of another state, provided it does not conflict with Minnesota law; and
- courses "leading to a nationally recognized professional designation" used by the licensees.

The Commission generally will not approve the following for credit:

- a course "designed solely to prepare students for passing a license examination";
- a course in mechanical office or business skills, except that computer courses are allowed if "appropriate and related to the industry to which the courses are directed";
- sales promotion courses;
- courses in motivation, salesmanship, psychology, time management, or communication;
- courses related to office management or intended to improve the licensee's business operation; or
- courses primarily intended to "impart knowledge of specific products of specific companies."

The Commissioner may approve courses in "any other subjects, including, but not limited to, communication, marketing, negotiation, and technology for continuing education credit."

Attendance requirements

A licensee must attend continuing education courses in their entirety in order to receive credit for the approved hours.

Online classes

The Commissioner may not approve a course that a student can complete at home or outside the classroom without an instructor's supervision, except for "accredited courses using new delivery technology, including interactive technology, and the Internet."

Other requirements

Minnesota statutes provide that the following fees apply to a broker's license renewal:

- a fee of \$120 for each renewal; and
- the applicable fee for the education, research and recovery fund.

Each real estate broker, salesperson and closing agent renewing a license must pay a fee of \$20 per licensing for the real estate education, research and recovery fund. If the amount in the fund is less than the Commissioner believes is necessary, a licensee renewing a license must pay an assessment in an amount (which may not exceed \$100) that the Commissioner determines to be necessary to restore the fund to an adequate balance.

A broker must consolidate all license renewal fees, recovery fund renewal fees, and recovery fund assessments for the company, broker and all salespersons licensed to the broker, into a single payment.

A renewal application is deemed to have been timely filed if the Commissioner receives it by, or if it is postmarked by, June 15 of the renewal year. A renewal application must:

- be made on duly executed and sworn form;
- be accompanied by the appropriate fees; and
- contain the required information.

Generally, a renewal license applicant is not required to pass an examination, except that a licensee who fails to renew his or her license for two years must retake the examination. If a license lapses

or becomes ineffective because the licensee failed to file a timely renewal application, the Commissioner may revoke or suspend the license.

Pursuant to Minnesota statutes, renewed licenses are valid for 24 months, and new licenses expire on June 30 of the expiration year assigned to the license. Effective August 1, 2010, licensing periods are no longer staggered.

LIMITED BROKER REQUIREMENTS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements (see "BROKER REQUIREMENTS" above), except that the statutory fee for renewing a salesperson's license is \$60.

SPECIALTY LICENSE REQUIREMENTS

Real estate closing agent

No specifically relevant provisions were located, except that the renewal fee provided by statute for a real estate closing agent license is \$80. A real estate closing agent renewing a license must pay in addition to the appropriate renewal fee, a fee of \$20 for the real estate education, research and recovery fund. If the amount in the fund is less than the Commissioner believes is necessary, a licensee renewing a license must pay an assessment in an amount (which may not exceed \$100) that the Commissioner determines to be necessary to restore the fund to an adequate balance.

Sections all amended 2014.

[Minn. Stat. §§ 82.57, .61, .63, .64 \(2019\)](#); [Minn. Dep't of Commerce, *Education for Licensees* \(last visited Oct. 28, 2019\)](#)

Minnesota, Licensing Categories

BROKER

A "broker" is a person who, for another and for consideration, acts as follows:

- "lists, sells, exchanges, buys or rents, manages, or offers or attempts to negotiate a sale, option, exchange, purchase or rental of an interest or estate in real estate, or advertises or holds out as engaged in these activities";

- "lists, sells, exchanges, buys, rents, manages, offers or attempts to negotiate a sale, option, exchange, purchase or rental of any business opportunity or business, or its good will, inventory, or fixtures, or any interest therein";
- "offers, sells or attempts to negotiate the sale of property" that is subject to the provisions of chapter 83, concerning subdivided land; or
- promotes a real estate sale by advertising it in a "publication issued primarily for this purpose," provided certain other specified conditions are met.

A broker also includes a person who "engages . . . in the business of selling real estate to the extent that a pattern of real estate sales is established, whether or not the real estate is owned by the person." A person is presumed to be "engaged in the business of selling real estate" if he or she "engages as principal in five or more transactions during any 12-month period," unless he or she is represented by a licensed broker or salesperson.

LIMITED BROKER

A limited real estate broker's license authorizes the licensee to "engage in transactions as principal only." A salesperson may not be licensed to act on behalf of an individual holding a limited broker's license. An officer of a corporation or partner of a partnership licensed as a limited broker may act on behalf of the entity without being subject to the licensing requirements. A limited broker's license also authorizes the licensee to negotiate mortgage loans other than residential mortgage loans.

SALESPERSON

A "salesperson" is a person who "acts on behalf of a real estate broker in performing any act authorized by this chapter [Minnesota Statutes chapter 82] to be performed by the broker."

SPECIALIST CATEGORIES

Closing agent licensees

A "real estate closing agent" is a person, "whether or not acting as an agent for a title company, a licensed attorney, real estate broker, or real estate salesperson, who for another . . . provides closing services incident to the sale, trade, lease, or loan of residential real estate, including drawing or assisting in drawing papers incident to the sale, trade, lease, or loan, or advertises or claims to be engaged in these activities."

Membership camping contract licensees

The Commission lists membership camping contract licenses with other real estate licenses. A "campground" is generally "real property owned or operated by a membership camping operator which is available for use by purchasers of membership camping contracts. A "membership camping operator" is generally a person who "owns or operates a campground and offers or sells membership camping contracts paid for by a fee or periodic payments and has as one of its purposes camping or outdoor recreation including use of camping sites by purchasers." A "broker" in this context is a person who, for consideration, "resells a membership camping contract to a new purchaser on behalf of a prior purchaser or who engages in the business of buying and selling membership camping contracts," but it does not include a membership camping operator or a licensed salesperson. A "salesperson" in this context is "an individual, other than a membership camping operator or broker, who offers or sells membership camping contracts," but does not include individuals who refer persons, provided that the referring party does not meet specified compensation or volume levels.

Section 82A.02 amended 1993; §§ 82.55 and 82.63 amended 2014.

[Minn. Stat. §§ 82A.02, 82.55, .63 \(2019\)](#)

Minnesota, Licensing Exemptions

A "broker" generally does not include:

- a licensed practicing attorney who complies with the trust account provisions of chapter 82;
- a "receiver, trustee, administrator, guardian, executor, or other person appointed by or acting under" a court judgment or order;
- a person who owns and operates a cemetery and sells cemetery lots for use as burial plots;
- a "custodian, janitor, or employee of the owner or manager of a residential building who leases residential units in the building";

- a "bank, trust company, savings association, industrial loan and thrift company, regulated lender under chapter 56, public utility, or land mortgage or farm loan association" transacting business within the scope of its corporate powers;
- a public officer performing his or her official duties;
- an employee of the court appointees, financial institutions and public officers referenced above who are performing their specified duties;
- certain auctioneers;
- a person who acquires real estate to construct residential, commercial or industrial buildings for resale, provided "no more than 25 such transactions occur in any 12-month period and the person complies with section 82.75";
- a licensed securities broker-dealer or securities agent representing a broker-dealer pursuant to chapter 80A, who offers to sell or sells real estate that is a security and is registered or exempt from registration, if the person is acting "solely as an incident" to the securities' sale;
- a person who sells a registered franchise, provided he or she is "acting solely to sell the franchise";
- a person "who contracts with or solicits on behalf of a provider a contract with a resident or prospective resident to provide continuing care in a facility, . . . when acting solely as incident to the contract";
- a broker-dealer or his or her agent, provided certain other specified requirements are met; and
- an accountant acting incident to his or her practice if he or she complies with the trust account provisions of chapter 82.

The following persons, when acting as closing agents, are exempt from the licensing requirements of § 82.81, unless otherwise required:

- a direct employee of an authorized title insurer or a title insurance agent, or a person who has an agency agreement with a title insurer or title insurance agent "in which the agent agrees to perform closing services on the title insurer's or title insurance agent's behalf and the title insurer or title insurance agent assumes responsibility" for the agent's actions as if the agent were an employee;
- a licensed attorney or his or her employee;
- a licensed real estate broker or salesperson;
- a licensed broker's direct employee, provided the broker maintains all funds received in connection with the closing services in his or her trust account;
- a "bank, trust company, savings association, credit union, industrial loan and thrift company, regulated lender under chapter 56, public utility, or land mortgage or farm loan association" engaged in business within the scope of its corporate powers;
- a title insurer authorized to do business in Minnesota; and
- a title insurance agent that has a contractual agency relationship with an authorized title insurer if the title insurer assumes responsibility for the title insurance agent, and its employees' or agents', actions.

Section 82.641 amended 2014; §§ 82.55 and 82.63 amended 2014; § 82.56 amended 2008.

[Minn. Stat. §§ 82.55, .56, .63, .641 \(2019\)](#)

Minnesota, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A broker's license applicant must have successfully completed within 12 months before his or her application date a course of study consisting of 30 hours of Commissioner-approved instruction, of which three hours must consist of "training in state and federal fair housing laws, regulations, and rules." More specifically, the required course for real estate brokers must consist of the following subject hours:

- broker licensing requirements, including ownership and operational forms and Minnesota license law review, three hours;
- trust account requirements, including opening the trust account, deposit requirements; and trust account records, two hours;
- agency, including current statutes and agency law; and statutory addenda and disclosures, five hours;
- antidiscrimination, including federal fair housing, Americans with Disabilities Act, and the Minnesota Human Rights Act, three hours;
- real estate principles update, including land improvement and estates, legal descriptions, governmental rights and property taxation and special assessments, one hour;
- real estate sale, lease, and transfer, including purchase agreement and addenda, lease types and terms, deed types and clauses, contract for deed, two hours;

- financing and valuation update, including sources of financing, foreclosure law, principles of value, and methods of valuation, three hours;
- broker's role in closing, including prorating, closing statements, closing documents, and deposit requirements, three hours;
- income taxation, including tax rules of home ownership, investment tax issues, and sale of personal residence, three hours;
- employment laws and insurance, including the Fair Labor Standards Act, tax laws, withholding, and reports, independent contractor vs. employee, state and federal unemployment tax laws, and errors and omissions insurance, three hours; and
- final exam.

Service in "lower" category

A broker's license examination application must include proof that the applicant:

- has had at least three years' experience during the previous five-year period before his or her application date as a licensed real estate salesperson in Minnesota or in another state with comparable requirements; or
- "is, in the opinion of the commissioner, otherwise or similarly qualified by reason of education or practical experience."

Waiver of qualifications for some professionals

The Commissioner may waive the experience requirement for the broker's examination. A waiver applicant must provide evidence of one of the following:

- successful completion of at least 90 quarter credits (270 classroom hours) of real estate-related studies;
- at least five consecutive years of "practical experience in real estate-related areas"; or
- successful completion of 30 credits (90 classroom hours) and three consecutive years of "practical experience in real estate-related areas."

Waivers of the experience requirement may be granted only to the following:

- an applicant who has a degree in real estate from an accredited college or university;
- a licensed practicing attorney whose practice involves real estate law; or
- a public officer whose official duties involve real estate law or real estate transactions.

The applicant's waiver request must:

- be submitted to the Commissioner in writing; and
- be accompanied by documents evidencing the above qualifications.

The waiver lapses if the applicant does not successfully complete the broker's examination within one year from the waiver date.

A waiver of the experience requirement must be granted to a "qualified individual" whose license lapsed or became ineffective and who applies for a waiver, who may then retake the broker's examination under the terms of the waiver. A "qualified individual" is:

- an active duty military member of the date of license cancellation or the date by which a timely renewal must have been made;
- the spouse of an active military member on the date of license cancellation or the date by which a timely renewal must have been made; or
- a veteran or veteran's spouse who has left service in the two years preceding the date of license cancellation or the date by which a timely renewal must have been made, and has confirmation of an honorable or general discharge.

The Commission may waive the licensing requirements for individuals of other jurisdictions, provided:

- a written reciprocal licensing agreement is in effect between the Commissioner and the other jurisdiction's licensing officials;
- the individual is licensed in the other jurisdiction; and
- the other jurisdiction's licensing requirements are "substantially similar" to Minnesota's requirements.

An applicant may be required to take the licensing examination if his or her license has been ineffective for a two-year period, except an individual who failed to renew an existing license because of his or her absence from the state while on active duty with the armed services need not retake the examination.

Annual fees and filings

Minnesota statutes provide that the following fees apply to a broker's license renewal:

- a fee of \$120 for each renewal; and

- the applicable fee for the education, research and recovery fund.

Each real estate broker, salesperson and closing agent renewing a license must pay a fee of \$20 per licensing period for the real estate education, research and recovery fund. If the amount in the fund is less than the Commissioner believes is necessary, a licensee renewing a license must pay an assessment in an amount (which may not exceed \$100) that the Commissioner determines to be necessary to restore the fund to an adequate balance.

A broker must pay all license renewal fees, recovery fund renewal fees, and recovery fund assessments for the company, broker and all salespersons licensed to the broker.

A renewal application is deemed to have been timely filed if the Commissioner receives it by, or if it is postmarked by, June 15 of the renewal year. A renewal application must be:

- made on a duly executed and sworn form;
- accompanied by the appropriate fees; and
- contain the required information.

Generally, a renewal license applicant is not required to pass an examination, except that a licensee who fails to renew his or her license for two years must retake the examination. If a license lapses or becomes ineffective because the licensee failed to file a timely renewal application, the Commissioner may revoke or suspend the license.

Pursuant to Minnesota statutes, renewed licenses are valid for 24 months, and new licenses expire on June 30 of the expiration year assigned to the license. (The 24-month licensing periods are staggered so that approximately one-half of the licenses expire on June 30 of each even-numbered year and one-half on June 30 of each odd-numbered year.) However, the Commissioner may institute a system by rule to provide for three year licenses.

Applicant investigation

No specifically relevant provisions were located. However, the Commissioner may "require such further information as the commissioner deems appropriate to administer the provisions and further the purposes" of chapter 82.

Examinations

Generally, a real estate license applicant must pass an examination conducted by the Commissioner. The examinations must "be of sufficient scope to establish the competency of the applicant to act as a real estate broker or a real estate salesperson." A broker's license examination is "more exacting than that for a real estate salesperson, and must require a higher degree of knowledge of the fundamentals of real estate practice and law."

A passing grade for a broker's examination is 75 percent on each portion of the examination. The commissioner will not accept the scores of a person who has cheated on an examination.

An applicant may not take any examination if he or she has had a real estate license revoked in any state within two years of the application date.

After successful completion of the real estate broker's examination, an individual has one year from the examination date to apply for a broker's license, unless he or she is "a salesperson who remains continuously active in the real estate field as a licensee." If an applicant fails to apply for the broker's license or to remain continuously active, he or she must retake the examination.

Other prerequisites

A broker's license applicant must pay:

- a license fee, which the Commission lists as \$180;
- a technology surcharge of \$30; and
- a fee for payment to the education, research and recovery fund.

A real estate broker, salesperson and closing agent who receives an initial license must pay an additional fee of \$30 to be credited to the real estate education, research, and recovery fund.

A broker, salesperson or closing agent license applicant must be at least 18 years of age. An application must:

- be in the form prescribed by the Commission;
- be signed and sworn to by the applicant;
- be accompanied by the appropriate license fee; and
- contain the required information.

The Commissioner may require any additional information he or she deems appropriate.

Corporate and other entity licenses

A business entity applying for a license must have at least responsible person individually licensed to act as broker. The entity's broker's license must "extend no authority to act as broker to any person other than the entity." Each responsible person who intends to act as a broker must obtain a license. A responsible person must verify a business entity's application.

A responsible person who maintains a salesperson's license may not exercise authority over a trust account or have any supervisory authority over the broker.

LIMITED BROKER QUALIFICATIONS

No specifically relevant provisions were located (see "BROKER QUALIFICATIONS" above), except that a limited broker's license applicant is not required to have at least two years' experience as a real estate salesperson in order to obtain a limited broker's license.

SALESPERSON QUALIFICATIONS

Education

The salesperson prelicensing course consists of three courses:

Course I

- Introduction to Real Estate, one hour;

- Title Closing, six hours;
- Real Estate Law, eight hours;
- Basic Law of Contracts, three hours;
- Principles of Financing, five hours;
- Types and Classifications of Property, four hours; and
- Environmental Issues, three hours.

Course II

- Valuation, three hours;
- Financing Applications, seven hours;
- Contracts, 16 hours;
- Fair Housing, three hours; and
- Real Estate Specialties, one hour.

Course III

Course III is a 30-hour course consisting of a course in one of the following areas:

- Real Estate Appraisal;
- Closing Procedures;
- Farm and Ranch Brokerage;
- Real Estate Finance;
- Real Estate Investment;
- Real Estate Law;
- Real Estate Management;
- Business Brokerage;
- Commercial Real Estate; or
- Residential Architecture and Construction.

Service in "lower" category

No specifically relevant provisions were located.

Waiver of qualifications for some professionals

The Commission may waive the licensing requirements for individuals of other jurisdictions, provided:

- a written reciprocal licensing agreement is in effect between the Commissioner and the other jurisdiction's licensing officials;
- the individual is licensed in the other jurisdiction; and
- the other jurisdiction's licensing requirements are "substantially similar" to Minnesota's requirements.

An applicant may be required to take the licensing examination if his or her license has been ineffective for a two-year period, except an individual who has failed to renew an existing license because of his or her absence from the state while on active duty with the armed services need not retake the examination.

Annual fees and filings

All real estate licensees are required to submit the same filings (see "BROKER QUALIFICATIONS" above), except that the fee for renewing a salesperson's license is \$60.

Applicant investigation

All real estate licensees are subject to the same investigation provisions. (See "BROKER QUALIFICATIONS" above.)

Examinations

Generally, a real estate license applicant must pass an examination conducted by the Commissioner. The examinations must "be of sufficient scope to establish the competency of the applicant to act as a real estate broker or a real estate salesperson." A broker's license examination is "more exacting than that for a real estate salesperson, and must require a higher degree of knowledge of the fundamentals of real estate practice and law."

A passing grade for a salesperson's examination is 75 percent on each portion of the examination. The commissioner will not accept the scores of a person who has cheated on an examination.

An applicant may not take any examination if he or she has had a real estate license revoked in any state within two years of the application date.

An applicant who passes the salesperson's examination must file an application and obtain his or her license within one year of the date he or she passed the examination.

Other prerequisites

A salesperson's license applicant must pay:

- a license fee, which the Commission lists as \$100;
- a technology surcharge of \$30; and
- a fee for the education, research and recovery fund.

A salesperson's license application must give:

- the applicant's name, age and residence address; and
- the name and place of business of the broker on whose behalf the salesperson will be acting.

A salesperson's license applicant must submit to the Commissioner:

- a completed application; and
- a copy of the course completion certificate for courses I, II and III.

A real estate broker, salesperson and closing agent who receives an initial license must pay an additional fee of \$30 to be credited to the real estate education, research, and recovery fund.

A broker, salesperson or closing agent license applicant must be at least 18 years of age. An application must:

- be in the form prescribed by the Commission;
- be signed and sworn to by the applicant;
- be accompanied by the appropriate license fee; and
- contain the required information.

The Commissioner may require any additional information he or she deems appropriate.

SPECIALIST QUALIFICATIONS

Real estate closing agent

Education

A real estate closing agent license applicant must successfully complete a Commission-approved course related to closing services, consisting of eight hours of instruction.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

No specifically relevant provisions were located.

Annual fees and filings

No specifically relevant provisions were located, except that Minnesota statutes provide that the fee for each renewal of a real estate closing agent license is \$80.

Applicant investigation

No specifically relevant provisions were located.

Examinations

No relevant provisions were located.

Other prerequisites

The fee for an initial real estate closing agent license is \$115.

A closing agent license application must give:

- the applicant's name, age and residence address; and
- the closing agent's name and place of business.

A real estate broker, salesperson and closing agent who receives an initial license must pay an additional fee of \$30 for the real estate education, research, and recovery fund.

A broker, salesperson or closing agent license applicant must be at least 18 years of age. An application must:

- be in writing on the Commission's forms;
- be signed and sworn to by the applicant;
- be accompanied by the appropriate license fee; and

- contain the required information.

The Commissioner may require any additional information he or she deems appropriate.

Rental or management licenses

The Commissioner is authorized to establish by rule a special license for real estate brokers and salespeople engaged solely in the rental or management of real estate.

Membership camping contract licenses

"To the extent that licensed salespersons and licensed brokers engage in the offer or sale of membership camping contracts, those brokers and salespersons are exempt from the licensing requirements of chapter 82."

Section 82.60 enacted 2009; § 82.86 amended 2009; §§ 82.57, 82.58, 82.63, 82.64 amended 2014; § 82.59 amended 2016.

[Minn. Stat. §§ 82.57, .58, .59, .60, .63, .64, .86 \(2019\)](#); [Minn. Dep't of Commerce, Real Estate Renewals \(last visited Oct. 28, 2019\)](#); [Minn. Dep't of Commerce, Real Estate Licensing: Apply for a Real Estate License \(last visited Oct. 28, 2019\)](#)

Mississippi

Mississippi, Continuing Education Approval

PROVIDER

General requirements

A course "provider" is a "person, partnership, association, corporation, educational organization, or other entity that sponsors, offers, organizes, provides or promotes real estate continuing education courses." A provider that wants to obtain approval of a continuing education course must apply to the [Mississippi Real Estate Commission](#) ("Commission"). The provider, the course and the instructor must receive concurrent approval.

An institution or organization that desires to offer post-licensure courses must:

- apply to the Commission for accreditation; and
- submit evidence that it is prepared to carry out a prescribed minimum curriculum and meet other standards established by the Commission, following the provisions that apply to prelicense course schools.

Approval applications

A provider must submit:

- requests for course accreditation on forms provided by the Commission;
- "copies of all student materials";
- course descriptions of each subject included in the course;
- measurable learning objectives for each subject;
- a specific process for evaluating and improving the content;
- specific processes for selecting and evaluating instructors;
- specific processes for record-keeping and administering examinations; and
- for courses offered through distance learning, additional specified requirements.

Courses must be:

- taught only by approved, qualified instructors; and
- offered in at least two-hour segments.

Courses, instructors and providers are approved for one-year periods. A provider must re-file if it wants to continue the course.

Distance learning course approval

A "distance learning course" is a Commission-approved course "in which the student is not physically present in a classroom with the instructor." It includes, without limitation,

- correspondence courses;
- video/DVD-based courses; and
- online electronic courses.

The Commission may approve distance learning courses for prelicense, post-license and continuing education courses. A distance learning course must meet the standards the Association of Real Estate Licensing Law Officials ("ARELLO") has set for such courses, including any "standards for content, form, examination, facilities and instructors." If no ARELLO standards exist for a distance learning course, the Commission must set minimum standards by rule. If ARELLO operates a certification program for distance learning courses, the course must be certified by ARELLO before the Commission will approve the course.

Distance learning courses must meet the specific provisions described below:

- courses in Mississippi licensing, contract and agency law must include "course content and application specific to Mississippi practice and custom";

- out-of-state providers must submit "copies or screen prints of all Mississippi specific content for Commission review and approval"; and
- on-line or CD-ROM courses on Mississippi license law and agency must include instruction in Mississippi's mandatory forms and a mechanism for the student to view and download the forms.

Advertising

In all advertising forms, an approved real estate provider must include:

- the school's name; and
- the location of its principal place of business.

An approved provider may not advertise "through oral statements or written text in such a manner that the statement is included or contained in any advertisement by a real estate broker." A licensed school's advertisement may not refer to the brokerage operation or include an individual broker's telephone number.

An approved provider may not:

- use any name other than the name approved by the Commission;
- indicate that it has been "endorsed, recommended, or certified" by the Commission, except that the provider may advertise that it is approved by the Commission to provide instruction in real estate courses;
- indicate that successful completion of its curriculum will result in passing a real estate licensing exam;

- guarantee employment to a student or prospective student; or
- promote the business of any real estate licensee, franchise or network.

No real estate education presentation may be conducted in a facility that is also used to conduct a real estate brokerage business unless all participants are licensees of the brokerage firm that is conducting the course.

A provider may not:

- allow in-person or electronic solicitation of students for employment;
- post, distribute or display written material concerning employment; or
- use an approved course to discuss, induct or promote affiliation with any broker or brokerage firm during the prescribed class hours or during class breaks.

A provider may advertise that a course meets a portion of the continuing education requirements, but the advertisement may not state or imply that the Commission has approved or passed on a course's merits.

Student records

A provider's attendance and other records:

- must be kept on file for three years; and
- are subject to the Commission's inspection at any time during normal business hours.

All requests for course accreditation must include documentation regarding the provider's specific processes for record-keeping and administering examinations.

Certificates of completion

A provider must use a three-part certificate to certify individual attendance. It must return one part to the Commission, deliver one part to the attendee at the course's conclusion and retain one part.

A licensee must physically attend a course in order to receive a certificate.

Other submissions

A continuing education provider must furnish the Commission with a class roster within 30 days after the completion of each course. The roster must list, in alphabetical order, each Mississippi licensee in attendance.

CONTENT

A continuing education course must be a "real estate oriented educational session or course" intended to improve licensees' skills and to keep licensees abreast of changing real estate practices and laws.

The Commission may determine any required subject matter within its mandated 16 hours, but the required subjects may not exceed eight of the 16 hours.

The following are approved courses:

- a course that meets the educational requirements set forth § 73-35-7;
- a course sponsored or provided by the Commission;
- a course the Commission has individually approved and that must be approved before presentation, except that, in the Commission's discretion, courses that have not received prior approval but that meet the proper criteria may be approved for credit for licensees who have completed the course; or
- a course that "has been approved for real estate continuing education by any state or country" that is a member of National Association of Real Estate License Law Officials and that satisfies the other course requirements, except "instruction in license law that pertains solely to a state other than Mississippi."

MATERIALS

A provider applying for course approval must submit "copies of all student materials."

INSTRUCTOR QUALIFICATIONS

Only approved, qualified instructors may teach a continuing education course. The instructor's education and experience must be appropriate to teach the subject matter.

The minimum standards for instructors for prelicense and post-license education courses are set forth in § 73-35-14.2. No specific minimum standards were located for continuing education course instructors.

PRIOR APPROVAL REQUIREMENTS

Approval timing

A course that requires Commission approval must receive that approval before a provider presents it. However, in the Commission's discretion, it may approve for credit, courses that have not received prior approval, but that meet the proper criteria.

Approval after class date

In the Commission's discretion, courses that have not received prior approval, but that meet the proper criteria, may be approved for credit for licensees who have completed the course.

EXAMINATION

Examination requirements

No specifically applicable requirements were located.

Proctors

No relevant provisions were located. However, a provider seeking course approval must submit specific documented processes for "administering" examinations.

Sections 73-35-14, 73-35-14.1, 73-35-14.2 and 73-35-14.4 enacted 2002; § 73-35-18 amended 2019; regulation amended 2013.

[Miss. Code Ann. §§ 73-35-14, -14.1, -14.2, -14.4, -18 \(2019\); 30-1601 Miss. Code R. ch. 6 \(2019\)](#)

Mississippi, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

A licensee who is member of the Mississippi Legislature is credited with eight hours of continuing education credit for attending each year of a legislative session.

A licensee whose license is on inactive status and whose continuing education credits are at least 30 hours in arrears may, at the Commission's discretion, receive continuing education credit for retaking prelicense coursework, provided he or she retakes the entire prelicense course.

An applicant for his or her first renewal who has been licensed for no more than one year is not required to meet the continuing education requirements for the first renewal of his or her license.

A professional license issued pursuant to any provision of title 73 to a member of the Mississippi National Guard or the U. S. Armed Forces Reserves:

- does not expire while the member is serving on federal active duty; and
- is extended for a period not to exceed 90 days after he or she returns from federal active duty.

The continuing education requirements do not apply to a person who:

- has held a broker's or salesperson's license in Mississippi for at least 25 years; and
- is older than 70 years of age.

An inactive licensee is not required to meet the real estate continuing education requirements, but he or she, before activating his or her license, must cumulatively meet the requirements missed during the inactive period.

Required hours

An individual real estate license renewal applicant, on or before the license's expiration date, must submit proof of completing at least 16 clock hours of approved course work. The 16 clock hours' course work requirement applies to each two-year license renewal period. An applicant generally may not cumulate excess hours for subsequent license renewals. However, a licensee may carry over to the next renewal period excess approved continuing education hours earned in the final three months of a licensee's renewal period, provided that a licensee may carry no more than six hours in this manner.

The Commission may determine any required subject matter, but the required subjects may not exceed eight of the total 16 hours.

See "Licensing Prerequisites" for educational requirements that apply to the first year of licensure.

Minimum class length

Courses must be offered in at least two-hour segments.

Subjects

A continuing education course must be a "real estate oriented educational session or course" intended to improve licensees' skills and to keep licensees abreast of changing real estate practices and laws.

The Commission may determine any required subject matter within the mandated 16 hours, but the required subjects may not exceed eight of the 16 hours.

Attendance requirements

Licensees must physically attend a course in order to receive a certificate.

Online classes

A "distance learning course" is a Commission-approved course "in which the student is not physically present in a classroom with the instructor." It includes, without limitation,

- correspondence courses;

- video/DVD-based courses; and
- online electronic courses.

The Commission may approve distance learning courses for prelicense, post-license and continuing education courses. A distance learning course must meet the standards that the Association of Real Estate Licensing Law Officials ("ARELLO") has set for the courses, including any "standards for content, form, examination, facilities and instructors." If no ARELLO standards exist for a distance learning course, the Commission must set minimum standards by rule. If ARELLO operates a certification program for distance learning courses, the course must be certified by ARELLO before the Commission may approve the course.

Distance learning courses must meet the specific provisions described below:

- courses in Mississippi license, contract and agency law must include "course content and application specific to Mississippi practice and custom";
- out-of-state providers must submit "copies or screen prints of all Mississippi specific content for Commission review and approval"; and
- on-line or CD-ROM courses on Mississippi license law and agency must include instruction in Mississippi's mandatory forms and a mechanism for the student to view and download the forms.

Other requirements

A license must be renewed every two years. All licensees must register with the Commission biennially and pay the proper registration fee. The license of a licensee who fails to pay his or her renewal fee after it becomes due is automatically cancelled after two months' written notice. A licensee renewing during the grace period must pay a penalty equal to 100 percent of the renewal fee. The renewal fee for real estate brokers is \$150. See § 73-35-17 for additional fees that may apply.

ASSOCIATE BROKER REQUIREMENTS

No relevant provisions were located.

SALESPERSON REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements (see "BROKER REQUIREMENTS" above), except that the renewal fee for a real estate salesperson's license is \$120 for each two-year renewal period.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section 73-35-17 amended 2008; § 73-35-14.4 enacted 2002; § 73-35-18 amended 2019; regulation amended 2013.

[Miss. Code Ann. §§ 73-35-14.4, -17, -18 \(2019\); 30-1601 Miss. Code R. ch. 6 \(2019\)](#)

Mississippi, Licensing Categories

BROKER

A "real estate broker" is a person or entity, who, for consideration or "with the intention or expectation of receiving or collecting" consideration,

- lists, sells, purchases, exchanges, rents, leases, manages or auctions real estate or improvements, including options;
- negotiates or attempts to negotiate any of the above activities;
- advertises or holds himself or herself out as engaged in the above activities; or
- directs or assists in procuring a purchaser or prospect for a real estate transaction.

The term also includes a "person, partnership, association or corporation employed by or on behalf of the owner or owners of lots or other parcels of real estate, at a stated salary or upon fee, commission or otherwise, to sell such real estate, or parts thereof, in lots or other parcels, including

timesharing and condominiums, and who must sell, exchange or lease, or offer or attempt or agree to negotiate the sale, exchange or lease of, any such lot or parcel."

Effective July 1, 2011, real estate brokers are authorized to charge and collect a fee for providing a broker's price opinion.

ASSOCIATE BROKER

No relevant provisions were located.

SALESPERSON

A "real estate salesperson" is "any person employed or engaged by or on behalf of a licensed real estate broker to do or deal in any activity as included or comprehended by the definitions of a real estate broker. . . for compensation or otherwise."

Effective July 1, 2011, a real estate salesperson may charge and collect a fee for providing a broker's price opinion.

SPECIALIST CATEGORIES

No relevant provisions were located.

Section 73-35-4 added 2011; section 73-35-3 amended 2011.

[Miss. Code Ann. §§ 73-35-3, -4 \(2019\)](#)

Mississippi, Licensing Exemptions

Mississippi's real estate licensing laws do not apply to the following:

- a person or entity, who, as an owner, must perform any real estate act with reference to property he, she or it owns (or their regular employees who are on a stated salary), provided the acts are performed in the regular course of business;
- an attorney-at-law performing his or her duties as such;

- a person holding a power of attorney from the owner, authorizing the "final consummation and execution for the sale, purchase, leasing or exchange of real estate";
- a receiver, trustee, administrator, executor or guardian;
- a person acting under court order, deed of trust or will;
- public officers performing their duties as such;
- a person dealing exclusively in oil and gas leases and mineral rights;
- a life insurance company negotiating loans secured by real estate mortgages;
- activities of mortgagees approved by the Federal Housing Administration or the United States Department of Veterans Affairs;
- chartered banks or savings and loan associations; or
- licensees under the Small Loan Regulatory Law or the Small Loan Privilege Tax Law or licensed small business investment companies, related to making a loan secured by a real estate lien or disposing of real estate acquired by foreclosure, in lieu of foreclosure or otherwise held as security.

Section amended 2011.

[Miss. Code Ann. § 73-35-3 \(2019\)](#)

Mississippi, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A broker's license applicant generally must have successfully completed at least 120 hours of real estate courses and passed the real estate broker's examination. However, an applicant who has not held an active real estate salesperson's license for at least 12 months immediately before submitting an application must have successfully completed at least 150 classroom hours in real estate courses, "which courses are acceptable for credit toward a degree at a college or university as approved by the Southern Association of Colleges and Schools."

First-year educational requirements

An applicant who passes the broker's or salesperson's examination and complies with all other licensure conditions receives a temporary license that is valid for one year following the first day of the month after it is issued. The [Mississippi Real Estate Commission](#) will not issue a temporary license holder a permanent license until he or she has satisfactorily completed a 30-hour post-license course offered by providers specifically certified to offer the mandated post-license education. A temporary-license holder must complete the entire 30-hour course within 12 months of the issuance of his or her temporary license. If he or she does not do so, the Commission will automatically place the temporary license on inactive status. If the temporary license holder does not complete the course and have a permanent license issued within one year following the first day of the month after its issuance, the temporary license automatically expires. A temporary license may not be renewed.

The 30-hour post-license coursework is offered in at least 15-hour increments, with no more than eight hours earned in a single day.

In the post-license course for broker licensees, at least 24 of the 30 hours of coursework must be in the following subjects: "managing escrow accounts, intraoffice confidentiality, broker responsibilities to licensees, office policies and procedures (including agency office policies), broker agreements with licensees and assistants and Mississippi Real Estate Commission required forms and any other subject as the commission may, by rule, require to be included in such course." The remaining six hours must be in "subjects intended to enhance the competency of brokers, including, without limitation, managing agents, recruiting, retention, budgeting and financial planning."

A licensee who has satisfactorily completed the post-license course and whose permanent license has been issued is not subject to the 16-hour continuing education requirement for the first renewal of his or her permanent license.

Service in "lower" category

A person who applies for a broker's license generally must have held a license as an active salesperson for 12 months immediately before applying for the broker's examination. However, an applicant who has not held an active real estate salesperson's license for at least 12 months immediately before submitting an application must have successfully completed at least 150 classroom hours in real estate courses, "which courses are acceptable for credit toward a degree at a college or university as approved by the Southern Association of Colleges and Schools."

Waiver of qualifications for some professionals

An applicant for a nonresident license must "qualify in all respects, including education, examination and fees, as an applicant who is a resident of Mississippi with the exception of the residency requirement and approved equivalent prelicensing education." The Commission may exempt from the prelicensing educational requirements, in whole or in part, a licensee of another state as long as:

- the other state's prelicensing educational requirements are the equivalent of Mississippi's prelicensing educational requirements; and
- the other state extends the same privilege or exemption to Mississippi real estate licensees.

Similarly, the Commission may exempt from examination, in whole or in part, a licensee of another state, provided:

- the Commission determines that the examination administered in the other state is equivalent to the Mississippi examination; and
- the other state extends the same privilege or exemption to Mississippi real estate licensees.

The issuance of a license by reciprocity to a military-trained applicant or military spouse is subject to the provisions of Miss. Code § 73-50-1.

Annual fees and filings

A licensee must renew his or her license every two years. All licensees must register with the Commission biennially and pay the proper registration fee. The license of a licensee who fails to pay his renewal fee after it becomes due is automatically cancelled after two months' written notice. A licensee renewing during the grace period must pay a penalty of 100 percent of the renewal fee. The renewal fee for real estate brokers is \$150. See § 73-35-17 for additional fees that may apply.

The license of a member of the National Guard or U.S. Armed Forces Reserve shall not expire while the licensee is on federal active duty, and will be extended for ninety days after the licensee's return from federal active duty. A licensee who renews his or her license within the ninety day period is responsible only for the regular renewal fee.

Applicant investigation

The Commission may grant licenses only to "persons who present, and to corporations, partnerships, companies or associations whose officers, associates or partners present satisfactory proof . . . that they are trustworthy and competent to transact the business of a real estate broker or real estate salesperson in such manner as to safeguard" the public's interests.

A broker's application must be accompanied by the recommendation of at least three citizens who:

- have been property owners for at least three years;
- have known the applicant for three years; and
- are not related to the applicant.

The recommendations must certify that the applicant "bears a good reputation for honesty and trustworthiness" and recommend that the Commission grant a license to the applicant.

Effective July 1, 2016, all new applicants for a real estate license and all licensees renewing any license must undergo a finger-print based criminal history records check from the Mississippi central criminal database and the FBI criminal history database.

Examinations

A broker's license applicant must successfully complete the real estate broker's examination.

A real estate license written examination must test "reading, writing, spelling, elementary arithmetic and his general knowledge of the statutes of this state relating to real property, deeds, mortgages, agreements of sale, agency, contract, leases, ethics, appraisals," the relevant statutory provisions and other matters the Commission determines to be necessary to practice real estate brokerage in Mississippi. The examination for a broker's license must be of a more exacting nature and require higher standards of knowledge of real estate than the examination for a salesperson's license.

An individual who fails the broker's examination two times is not eligible for a similar examination until after six months from the time the individual last took the examination, and then only if he or she applies as in the first instance.

A broker's license applicant must obtain a score of at least 80 percent to pass the broker's examination.

Other prerequisites

A broker's license applicant must:

- be at least 21 years of age;
- have his legal domicile in Mississippi at the time he or she applies;
- be subject to the jurisdiction of Mississippi, its income tax and other excise laws;
- "not be an elector in any other state";
- have met the experience and prelicensing education requirements; and
- have passed the real estate broker's examination.

A broker's license application must:

- be in writing on forms provided by the Commission;
- include the required data and information;
- be accompanied by two photographs of the applicant;
- include the applicant's Social Security number;
- include proof of errors and omissions insurance as required by § 73-35-16; and
- include an application fee of \$150, which includes the application and examination fees and one year's use of the license.

Once the Commission approves an applicant for examination, he or she has two months in which to take the exam.

Corporate and other entity licenses

The Commission will grant a corporation, partnership, company or association a license if:

- the Commission has issued individual broker's licenses to every member, owner, partner or officer of the entity who actively participates in its brokerage business; and
- the entity has paid the required fee.

If the applicant is an entity, a designated member or officer must take the examination on behalf of the entity.

If a corporation has been chartered by Mississippi, the Commission will issue the license in the corporate name, provided no broker or agency in the same county or trade area has a substantially similar name.

ASSOCIATE BROKER QUALIFICATIONS

No relevant provisions were located.

SALESPERSON QUALIFICATIONS

Education

A salesperson's license applicant must have successfully completed at least 60 hours in real estate courses.

First-year educational requirements

An applicant who passes the broker's or salesperson's examination and complies with all other licensure conditions receives a temporary license, which is valid for one year following the first day of the month after it is issued. The Commission will not issue a temporary license holder a permanent license until he or she has satisfactorily completed a 30-hour post-license course offered by providers specifically certified to offer the mandated post-license education. A temporary-license holder must complete the entire 30-hour course within 12 months of the issuance of his or her temporary license. If he or she does not do so, the Commission will automatically place the temporary license on inactive status. If the temporary license holder does not complete the course and have a permanent license issued within one year following the first day of the month after its issuance, the temporary license automatically expires. A temporary license may not be renewed.

The 30-hour post-license coursework is offered in at least 15-hour increments, with no more than eight hours earned in a single day.

In the post-license course for salesperson licensees, at least 24 of the 30 hours must be in the following subjects: "agency relationships, contracts, earnest money, antitrust, fair housing, ethics and property condition disclosure." The remaining six hours must "be in subjects intended to enhance the competency of salesperson licensees in representing consumers, and may include the following subjects: pricing property, environmental issues, home inspections, leases and property management, and mortgage processes."

A licensee who has satisfactorily completed the post-license course and whose permanent license has been issued is not subject to the 16-hour continuing education requirement for the first renewal of his or her permanent license.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

The same waivers apply to all real estate licensees. (See "BROKER QUALIFICATIONS" above.)

Annual fees and filings

All real estate licensees are required to meet the annual filing requirements (see "BROKER QUALIFICATIONS" above), except that the renewal fee for a real estate salesperson's license is \$120 for each two-year renewal period.

The license of a member of the National Guard or U.S. Armed Forces Reserve shall not expire while the licensee is on federal active duty, and will be extended for ninety days after the licensee's return from federal active duty. A licensee who renews his or her license within the ninety day period is responsible only for the regular renewal fee.

Applicant investigation

The Commission may grant licenses only to "persons who present, and to corporations, partnerships, companies or associations whose officers, associates or partners present satisfactory proof . . . that they are trustworthy and competent to transact the business of a real estate broker or real estate salesperson in such manner as to safeguard" the public's interests.

Effective July 1, 2016, all new applicants for a real estate license and all licensees renewing any license must undergo a finger-print based criminal history records check from the Mississippi central criminal database and the FBI criminal history database.

Examinations

A salesperson's license applicant must have successfully completed the real estate salesperson's examination.

The real estate license written examination must test "reading, writing, spelling, elementary arithmetic and his general knowledge of the statutes of this state relating to real property, deeds, mortgages, agreements of sale, agency, contract, leases, ethics, appraisals," the relevant statutory provisions and other matters the Commission determines to be necessary to practice real estate brokerage in Mississippi. The examination for a broker's license must be of a more exacting nature and require higher standards of knowledge of real estate than the examination for a salesperson's license.

An individual who fails the salesperson's examination two times is not eligible for a similar examination until after three months from the time he or she last took the examination.

A salesperson's license applicant passes the salesperson's examination with a grade of at least 75

percent.

Other prerequisites

A salesperson's license applicant must:

- be at least 18 years of age;
- be a resident of Mississippi before filing the application;
- have successfully completed the educational requirements; and
- have passed the real estate salesperson's examination.

A salesperson's license applicant must:

- apply in writing on a form prepared by the Commission;
- provide the required data and information; and
- include a fee of \$120, which includes the application and examination fees and one year's use of the license.

Once the Commission approves an applicant for examination, he or she has two months in which to take the exam.

SPECIALIST QUALIFICATIONS

Time-sharing

Generally, any seller, other than the developer and its regular employees, of a timeshare plan within

Mississippi must be a licensed broker or salesperson. No additional specialist license is required, but, subject to certain specified exemptions, the plan must be registered.

Section 73-35-16 amended 2011; § 73-35-9 amended 2019; § 73-35-17 amended 2008; §§ 73-35-7, 75-35-8 amended 2016; § 75-35-13 amended 2013; §§ 73-35-6 and 73-35-14.5 enacted 2002; regulation amended 2013.

Miss. Code Ann. §§ 73-35-6, -7, -8, -9, -13, -14.5, -16, -17 (LexisNexis 2019); [30-1601 Miss. Code R. chs. 1, 2 \(2019\)](#)

Missouri

Missouri, Continuing Education Approval

PROVIDER

General requirements

Continuing education providers must be approved by the [Missouri Real Estate Commission](#).

No approved school may offer a licensee more than eight hours of instruction in one day.

Approval applications

Applications for continuing education course approval shall include a complete course outline showing all subjects covered in the course. In addition, no fewer than three unique learning objectives per course hour shall be identified and included in the application prescribed by the Real Estate Commission.

Distance learning course approval

Schools that propose to offer continuing education courses by distance delivery must provide, in addition to the properly completed application, the following:

- an exact copy or access to the entire course as it will be offered to the student to demonstrate how the student will interact and acquire knowledge of the required subjects;

- for each three hour course, two final examination forms (primary and alternate) of thirty multiple choice items each, with no duplication of items and a key showing correct responses. For each course of more than three hours, two final examination forms (primary and alternate) of at least fifty multiple choice items each, with no duplication of items and a key showing correct responses. Examinations must reflect sound test development practices and must measure knowledge of the subject matter of the entire course as set out in the learning objectives as well as reflect the level of knowledge presented in the program;
- a copy of all examination questions and answer key, and if any question pool is used, an explanation as to how pooled exam questions are selected;
- a statement setting out the methods the school will use to assure that examinations are maintained securely;
- a statement attesting that within ten days following administration of the final examination, the school shall deliver to the student who achieves a score of at least 75% a certificate of course completion on a form prescribed by the Real Estate Commission; and
- a complete outline showing all subjects covered in the course and no fewer than three unique learning objectives per course hour.

Students must receive a course introduction statement setting out the dates during which the course is approved by the Commission, the terms and conditions under which the final examination will be administered, including review of the completed workbook, and a list of specific learning objectives referenced in the final examination.

Course providers must provide the Commission with statistical information on completion times for the preceding period. If statistics indicate that at least 50% of real estate students took less time to complete the course than identified on the course submission, the school shall have ten days to either withdraw the course offering or to provide an amended course outline to remedy the course deficiency.

Advertising

Each school shall advertise any approved course in clear and unambiguous terms, which includes a statement indicating the number of hours of education credit for which the course is approved and the correct title of the course as it is stated in the course approval letter provided by the Real Estate Commission. No real estate education course shall be announced or advertised until it is approved

by the Commission, in writing, for credit.

Student records

Each school shall maintain for each student a record which shall include the course of instruction undertaken, dates of attendance and areas of study completed satisfactorily. Each school shall maintain a copy of the attendance records for each date and time a particular course is offered.

Schools approved to offer courses by distance delivery shall also maintain records of all final examinations and examination administration.

Each student's records shall be maintained by the school for a minimum of four years and shall be available for inspection by the student or by the Real Estate Commission.

Certificates of completion

The school, at the close of any classroom course, must hand to each student who completed the course a certificate of satisfactory completion on a form prescribed by the Real Estate Commission. If a licensee did not pre-register, the certificate must be sent to the licensee within five days of course completion.

Within 10 days of course completion, the school must electronically submit to the Commission a complete list of attendees who have satisfactorily completed the course.

Other submissions

In the case of classroom delivery courses, each area of study shall be conducted and supervised by an instructor who shall be present in the classroom at all times. For distance learning courses, student inquiries must be answered by the end of the next business day.

For any continuing education classroom course attended by more than twenty-five students, the sponsor shall have a person other than the instructor present to assist in administrative duties including, but not limited to, keeping records of attendance, preparing and distributing certificates and assuring that the physical facilities meet the requirements.

CONTENT

Courses other than the required core course must adequately reflect and present current real estate knowledge toward the goal of public protection and service.

No part of any approved education course shall be used to solicit membership in organizations, recruit licensees for affiliation with any organization or advertise the merits of any organization.

Applications for approval must include a complete course outline, showing all subjects to be

covered. In the event a substantive change is proposed, the school must file a revised course outline on a form prescribed by the Commission at least thirty days in advance of the scheduled course offering. Approval in writing from the Commission must be received prior to implementation of any substantive course change.

MATERIALS

Applications for approval must include a complete course outline, showing all subjects to be covered.

INSTRUCTOR QUALIFICATIONS

Each school is responsible for hiring only appropriately trained instructors with practical experience or formal education/training on the subject matter being presented.

PRIOR APPROVAL REQUIREMENTS

Approval timing

All applications for course approval shall be submitted by the originating school at least ninety days prior to the date the course is initially expected to be offered. The Real Estate Commission will respond in writing to all requests for course approval within forty-five days of receipt of a properly completed application. The Commission will either assign a course number or other identification to a course when it is approved or will notify the applicant of the grounds for the course not being approved.

Approval after class date

Individual licensees may obtain approval of their attendance at a course after the class date. See "Other Requirements" under "Missouri—Continuing Education Requirements."

EXAMINATION

Examination requirements

No examinations are required for continuing education courses not offered by distance learning.

Proctors

No relevant provisions were located.

Section 339.040 amended 2011; section 339.045 amended 1984; regulations 2250-7.060 and 2250-7.080 amended 2008; r. 2250-10.100 amended 2009; r. 2250-7.070 amended 2012.

[Mo. Rev. Stat. §§ 339.040; 339.045 \(2019\); Mo. Code Regs. tit. 20, §§ 2250-7.060; -7.070; -7.080; -10.100 \(2019\)](#)

Missouri, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

The Real Estate Commission may waive all or part of the continuing education requirements upon a showing by the licensee that it is not feasible for the licensee to satisfy the requirements prior to the renewal date. Waivers may be granted, with acceptable documentation, for the following causes:

- serious physical injury or illness of the licensee throughout the two-year license period immediately preceding renewal of license;
- active duty in the armed services of the licensee throughout the two-year license period immediately preceding renewal of license;
- the licensee is licensed to practice law;
- the licensee is at least eighty years of age;
- the licensee is a member of the United States or Missouri Senate or House of Representatives at any time during the renewal period to which the waiver applies; or
- the licensee is a member of the Missouri Real Estate Commission during any portion of the renewal period to which the waiver applies.

Required hours

Active licensees must show completion of twelve hours of continuing education as a condition of

renewing their licenses. Licenses are renewed every two years. A licensee who completes more than twelve hours in a licensing period may not carry the excess hours over to the next licensing period.

Credit will be given for a specific course only once in a licensing period.

Minimum class length

Courses or programs must be at least three hours long. An hour is defined as fifty minutes of instruction per hour.

Subjects

At least three of the twelve hours of approved instruction shall be taken in a course identified by the Missouri Real Estate Commission and noticed on its official website, no later than March 31 of each even numbered year as a core course for the following renewal period. For the 2020 to 2022 renewal period a three-hour core course in Real Estate Ethics is required.

If the Commission does not identify a topic for the core course, approved schools may submit courses for core consideration in any of the following areas:

- Missouri laws governing the transfer of real property;
- broker supervision and escrow account management;
- fair housing;
- property management;
- commercial brokerage; or
- agency and brokerage relationships.

The balance of the twelve hours of instruction shall consist of core or elective courses that have been [approved for continuing education credit by the Commission](#).

The following offerings will not be considered by the Commission to meet Missouri continuing education requirements even if approved by other states or jurisdictions:

- training or education not applicable to Missouri real estate practice;
- training or education in office and business skills such as typing, speedreading, memory improvement, report writing, personal motivation, salesmanship, sales psychology and time management;
- sales promotions or other meetings held in conjunction with general real estate brokerage activity;
- meetings which are a normal part of in-house training; and
- that portion of any offering devoted to meals or refreshments.

Attendance requirements

Licensees who are instructors in approved courses may receive credit for teaching the course. Credit may be granted to that instructor only once per licensing period for each course. The student must be physically present in the classroom during 100% of the actual classroom instruction unless there is good cause as determined by the course provider. The provider, at its discretion, may allow a student to be absent up to 10% of the required hours and still be issued a certificate of attendance.

Licensees are responsible for verifying that their attendance has been reported to the Real Estate Commission.

Online classes

No restrictions on the number of hours of continuing education that may be taken by distance learning or online were located.

Other requirements

Individual licensees may receive continuing education credit for courses taken in Missouri or another state which have not been previously submitted by the sponsor for approval, provided course content, instructor qualifications and course delivery are acceptable to the Real Estate Commission. Applications for non-preapproved course credit must be on a form prescribed by the Commission, accompanied by a nonrefundable evaluation fee of \$10 per course along with a course description and a typed certificate of completion authenticated by the course provider. Applications for non-preapproved course credit must be postmarked or hand-delivered to the office of the Commission no later than ninety days prior to the licensee's renewal date.

Licensees are responsible for providing the Real Estate Commission with a copy of any certificate of course completion upon the Commission's request.

ASSOCIATE (OR OTHER) BROKER REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SALESPERSON OR AGENT REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section 339.040 amended 2011; regulation 2250-7.070 amended 2012; -10.100 amended 2009.

[Mo. Rev. Stat. § 339.040 \(2019\)](#); [Mo. Code Regs. tit. 20, §§ 2250-7.070](#); [-10.100 \(2019\)](#).

Missouri, Licensing Categories

BROKER

A "real estate broker" is any person, partnership, limited partnership, limited liability company,

association, professional corporation, or domestic or foreign corporation who, for another, and for a compensation or valuable consideration, does, or attempts to do, any or all of the following:

- sells, exchanges, purchases, rents, or leases real estate;
- offers to sell, exchange, purchase, rent or lease real estate;
- negotiates or offers or agrees to negotiate the sale, exchange, purchase, rental or lease of real estate;
- lists or offers or agrees to list real estate for sale, lease, rental or exchange;
- buys, sells, offers to buy or sell or otherwise deals in options on real estate;
- advertises or holds himself or herself out as a licensed real estate broker while engaged in the business of buying, selling, exchanging, renting, or leasing real estate;
- assists or directs in the procuring of prospects for the sale, exchange, leasing or rental of real estate;
- assists or directs in the negotiation of any transaction calculated or intended to result in the sale, exchange, leasing or rental of real estate;
- engages in the business of charging to an unlicensed person an advance fee in connection with any contract to promote the sale of that person's real estate through its listing in a publication issued for such purpose intended to be circulated to the general public; or
- performs any of the acts listed above as an employee of, or on behalf of, the owner of real estate for compensation.

ASSOCIATE [OR OTHER] BROKER

Broker-Salesperson

A "broker-salesperson" is a person, partnership, limited partnership, limited liability company, association, professional corporation, or domestic or foreign corporation who has a real estate broker license in good standing, and who, for a compensation or valuable consideration, becomes associated, either as an independent contractor or employee, either directly or indirectly, with a real estate broker to perform any of the activities of a broker.

SALESPERSON OR AGENT

A "real estate salesperson" is any person, partnership, limited partnership, limited liability company, association, professional corporation, or foreign or domestic corporation who for a compensation or valuable consideration becomes associated, either as an independent contractor or employee, with a real estate broker to perform any of the activities of a broker.

SPECIALIST CATEGORIES

No relevant provisions were located.

Section 339.010 amended 2015.

[Mo. Rev. Stat. § 339.010 \(2019\)](#)

Missouri, Licensing Exemptions

The real estate licensing laws do not apply to:

- a person, partnership, limited partnership, limited liability company, association, professional corporation, or foreign or domestic corporation, or the regular employees thereof, who as owner, lessor, or lessee deals in property owned or leased by them, provided the owner, lessor, or lessee is not engaged in the real estate business;
- any licensed attorney-at-law;

- an auctioneer employed by the owner of the property;
- a person acting as receiver, trustee in bankruptcy, administrator, executor, or guardian or while acting under a court order or under the authority of a will, trust instrument or deed of trust or as a witness in any judicial proceeding or other proceeding conducted by the state or any governmental subdivision or agency;
- any person employed or retained to manage real property by, for, or on behalf of the agent or the owner of any real estate, as long as the person is limited to one or more of the following activities:
 - delivery of a lease application, a lease, or any amendment thereof, to any person;
 - receiving a lease application, lease, or amendment thereof, a security deposit, rental payment, or any related payment, for delivery to, and made payable to, a broker or owner;
 - showing a rental unit to any person, as long as the employee is acting under the direct instructions of the broker or owner, including the execution of leases or rental agreements;
 - conveying information prepared by a broker or owner about a rental unit, a lease, an application for lease, or the status of a security deposit, or the payment of rent, by any person;
 - assisting in the performance of brokers' or owners' functions, administrative, clerical or maintenance tasks;
- any officer or employee of a federal agency or the state government or any political subdivision performing official duties;

- railroads and other public utilities regulated by the state of Missouri, or the officers or regular employees thereof, unless their real estate activities are in connection with the sale, purchase, lease or other disposition of real estate unrelated to the principal business activity of the railroad or utility;
- any bank, trust company, savings and loan association, credit union, insurance company, mortgage banker, or farm loan association organized under the laws of this state or of the United States when engaged in the transaction of business on its own behalf and not for others;
- any newspaper, magazine, periodical, Internet site, Internet communications, or any form of communications regulated or licensed by the Federal Communications Commission whereby the advertising of real estate is incidental to its operation;
- any developer selling Missouri land owned by the developer;
- any employee acting on behalf of a nonprofit community, or regional economic development association, agency or corporation which has as its principal purpose the general promotion and economic advancement of the community at large, provided that such entity:
 - does not offer such property for sale, lease, rental or exchange on behalf of another person or entity;
 - does not list or offer or agree to list such property for sale, lease, rental or exchange; or
 - receives no fee, commission or compensation that is directly related to sale or disposal of such properties; or
- any neighborhood association that, without compensation, provides to prospective purchasers or lessors of property the asking price, location, and contact information regarding properties in and near the association's neighborhood.

Section 339.010 revised 2015.

[Mo. Rev. Stat. § 339.010 \(2019\)](#)

Missouri, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

Applicants for a broker's examination must complete the forty-eight hour "Broker Pre-Examination Course" prior to taking the broker's exam. Applicants have six months after satisfactory completion of the required course of study to pass the required examination and apply for license.

Service in "lower" category

Each applicant for a broker's license shall include evidence that the applicant has been an actively licensed Missouri salesperson, or has held an active real estate license in another jurisdiction, for at least twenty-four of the last thirty months immediately preceding the date of application.

Waiver of qualifications for some professionals

The [Real Estate Commission](#) may issue, without examination or fee, a temporary broker's license to the legal representative or representatives of a deceased or incapacitated broker. The temporary broker license authorizes the licensee individual to continue to transact brokerage business for the sole purpose of winding up the affairs of the broker, under the supervision of the Commission.

Annual fees and filings

The fee for license renewal is \$50. Licenses are renewed in even-numbered years.

For renewals, a licensee must provide proof of having submitted fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and a Federal Bureau of Investigation fingerprint background check. Fees for the fingerprint checks shall be paid directly to the Highway Patrol or its approved vendor

Applicant investigation

The Real Estate Commission may require an applicant for a license to furnish a recent passport-type photograph and court documents, as well as any other information deemed necessary by the Commission to determine the applicant's qualifications for a license. The Commission reserves the right, at its discretion, to hold any application for a reasonable length of time for investigation.

All applicants must provide acceptable proof of having submitted fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and a Federal Bureau of Investigation fingerprint background check. Any fees due to fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor.

Examinations

Applicants for a broker's license must show proof that they have passed the salesperson's examination. The Real Estate Commission may allow applicants not associated with a broker to take the salesperson's license solely for the purpose of meeting this requirement.

Other prerequisites

The fee for an initial broker's license is \$80, plus a \$50 investigation and processing fee.

Corporate licensees

Every partnership, association or corporation must obtain a separate and distinct real estate broker license before transacting business as a broker. Before a broker license will be issued to a partnership, association or corporation, each partner in a partnership or each associate in an association or each officer of a corporation, who actively participates in the supervision of the real estate brokerage business of the firm must hold the appropriate broker license and each broker-salesperson or salesperson associated with the firm who engages in activities defined in the license law shall hold the appropriate license.

ASSOCIATE (OR OTHER) BROKER QUALIFICATIONS

Broker-Salesperson

In addition to the requirements for a broker's license listed above, an applicant for a broker-salesperson's license must include evidence of his or her current broker's license.

SALESPERSON OR AGENT QUALIFICATIONS

Education

Every application for an original salesperson license shall be accompanied by:

- proof of successful completion of an approved forty-eight hour course of study known as "Salesperson Pre-Examination Course" prior to the date of examination and no more than six months prior to the date of the license application; and
- proof of successful completion of an approved twenty-four-hour course known as the "Missouri Real Estate Practice Course" completed after successful completion of the "Salesperson Pre-Examination Course."

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

The Real Estate Commission may waive all or part of the educational requirements when an applicant presents proof of other educational background or experience acceptable to the Commission.

Annual fees and filings

The fee for license renewal is \$40. Licenses are renewed in even-numbered years.

For renewals, the licensee must provide proof of having submitted fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and a Federal Bureau of Investigation fingerprint background check. Fees for the fingerprint checks shall be paid directly to the Highway Patrol or its approved vendor

Applicant investigation

The Real Estate Commission may require an applicant for a license to furnish a recent passport-type photograph and court documents, as well as any other information deemed necessary by the Commission to determine the applicant's qualifications for a license. The Commission reserves the right, at its discretion, to hold any application for a reasonable length of time for investigation.

All applicants must provide acceptable proof of having submitted fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and a Federal Bureau of Investigation fingerprint background check. Any fees due to fingerprint background checks shall be

paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor.

Examinations

Salesperson's license applicants must pass both the national and state portions of the licensing examination. The form, content, method of administration, passing standards and schedule of written license examinations shall be determined by the Commission, and the date and place of examinations shall be announced as far in advance as is practicable. In conducting examinations, the Commission may utilize professional testing services.

Other prerequisites

A salesperson's license will be issued only to a person who is associated with a licensed broker. A salesperson may not be associated with more than one broker.

The fee for an initial salesperson's license is \$40, plus a \$50 investigation and processing fee.

SPECIALIST QUALIFICATIONS

No relevant provisions were located.

Section 339.040 amended 2011; regulations 2250-3.010 amended 2016; rr. 2250-4.020, and -4.050 amended 2009; r. 2250-4.070 amended 2012, r. 2250-5.020 amended 2008.

[Mo. Rev. Stat. § 339.040 \(2019\)](#); [Mo. Code Regs. tit. 20, §§ 2250-3.010; -4.020; -4.050; -4.070; -5.020 \(2019\)](#)

Montana

Montana, Continuing Education Approval

PROVIDER

General requirements

Effective July 27, 2019, the Board of Realty is no longer involved in approving continuing education providers, courses, or instructors. The only requirement is that continuing education courses are:

- "approved by the Association of Real Estate License Law Officials' (ARELLO) Distance Education Certification, or a state real estate licensing regulatory agency or real estate commission;" or

- "endorsed by a national, state, or local Association of REALTORS®, or a national, state, or local real estate, landlords, or property management association."

Student records

No specifically relevant provisions were located.

Certificates of completion

No specifically relevant provisions were located.

Other submissions

No specifically relevant provisions were located.

CONTENT

The required continuing education hours must be in topics approved by Board.

MATERIALS

No specifically relevant provisions were located.

INSTRUCTOR QUALIFICATIONS

Effective July 27, 2019, the Board of Realty is no longer involved in approving continuing education providers, courses, or instructors.

PRIOR APPROVAL REQUIREMENTS

Effective July 27, 2019, the Board of Realty is no longer involved in approving continuing education providers, courses, or instructors.

EXAMINATION

No relevant provisions were located.

Section 37-51-204 amended 2017; regulations 24.210.301 amended 2018; rr. 24.210.677 and 24.210.674 repealed 2019; r. 24.210.667 amended 2019.

[Mont. Code Ann. § 37-51-204 \(2019\)](#); [Mont. Admin. R. 24.210.301, .667 \(2019\)](#)

Montana, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

No specifically relevant provisions were located. However, licensees who have completed continuing education that the licensee believes meet the Board's topic requirements may submit, within 30 days of course completion, an individual application for course credit to be granted at the Board's discretion.

Required hours

All continuing education requirements must be met before a license will be renewed.

A licensee must complete at least 12 hours of continuing real estate education every licensing year, i.e. between November 1 and October 31. Hours may not be carried over to the next reporting period.

A licensee may not repeat a course for credit in the same reporting year.

Minimum class length

An "hour" of education is equal to 50 minutes of instructional time.

Subjects

The required continuing education hours must be in topics approved by the Board.

Attendance requirements

A licensee must attend 90 percent of the first hour and 100 percent of each additional hour of a course to receive credit.

Online classes

The Board may require specified performance levels (and thus require examination) in continuing education courses required by the Board if the licensee and the instructor are not physically present in the same facility at the time the licensee receives the instruction.

A "distance education" course is a course in which "the instruction does not take place in a traditional classroom setting but rather through other media where the teacher and student are separated by distance and sometimes by time." The Board will approve distance education courses if:

- the Board has received and approved a complete application;
- the distance education course meets the state's content requirements;
- the distance education course is certified by the Association of Real Estate License Law Officials ("ARELLO");
- the provider submits the appropriate documentation that the ARELLO certification is in effect; and
- the distance education course meets all other statutory and regulatory requirements that govern approved courses.

Other requirements

Members of the Board of Realty Regulations may receive continuing education credit for actively preparing and participating in Board meetings. No more than three hours of credit per meeting will be granted.

A licensee must renew his or her license on or before its expiration date.

SUPERVISING BROKER REQUIREMENTS

All real estate licensees are generally required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.) However, a supervising broker must complete four hours of education designated as supervising broker continuing education by the [Board of Realty Regulation](#). The supervising broker hours are a part of the overall continuing education requirements for brokers.

SALESPERSON REQUIREMENTS

All real estate licensees are generally required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.) However, a salesperson must complete additional post-licensing continuing educational requirements during his or her first year of licensure. (See "Licensing Prerequisites" for educational requirements that apply to a salesperson's first year of licensure.)

SPECIALTY LICENSE REQUIREMENTS

Property management licensees

A property management licensee must complete at least 12 hours of continuing property management education every licensing year. The licensing year is from November 1 through October 31. The required hours must be in property management related topics approved by the Board.

All *new* property management licensees must complete 12 hours of property management continuing education by the second renewal date following their original license issue date. Four of the hours must consist of courses in property management trust accounts, and must be taken before the first renewal date. After satisfactorily completing their first renewal, property manager licensees may satisfy their continuing education obligations for subsequent years by choosing any continuing education courses.

Section 37-51-502 enacted 1985, repealed effective February 1, 2021; § 37-51-204 amended 2017; § 37-51-308 amended 2017; rr. 24.210.604, 24.210.635, 24.210.667 24.210.835 amended 2012; r. 24.210.301 amended 2018; r. 24.210.401 amended 2019; rr. 24.210.667 and 24.210.835 amended 2019; r. 24.210.674 repealed 2019; r. 24.210.829 amended 2017.

[Mont. Code Ann. §§ 37-51-204, -308, -502 \(2019\); Mont. Admin. R. 24.210.301, .401, .604, .635, .667, .674, .829, .835 \(2019\)](#)

Montana, Licensing Categories

BROKER

A "broker" is an individual who:

- "for another or for valuable consideration" or with the intent of receiving consideration, "negotiates or attempts to negotiate the listing, sale, purchase, rental, exchange, or lease of real estate" or improvements, or collects or attempts to collect rents;
- is employed by a real estate owner or lessor to "conduct the sale, leasing, subleasing, or other disposition of real estate for consideration";
- engages in the business of charging an advance fee or contracting to collect a fee in connection with "a contract by which the individual undertakes primarily to promote the sale, lease, or other disposition of real estate" in Montana through its listing in a "publication issued primarily for this purpose or for referral of information concerning real estate to brokers";
- "makes the advertising, sale, lease, or other real estate information available by public display to potential buyers";
- aids or attempts to aid, "for a fee, any person in locating or obtaining any real estate for purchase or lease";
- performs asset management services for real property in conjunction with the marketing or transfer of the property;

- receives compensation for referring the name of a prospective real property buyer or seller;
or
- advertises that he or she is engaged in any of the above activities.

SUPERVISING BROKER

A "supervising broker" is a licensed broker with whom a licensed salesperson is associated to sell, purchase, or negotiate for the sale, purchase, exchange, or renting of real estate.

SALESPERSON OR AGENT

A "salesperson" is an individual who for compensation is associated with a real estate broker "to sell, purchase, or negotiate for the sale, purchase, exchange, or renting of real estate."

SPECIALIST CATEGORIES

Property managers

A "property manager" is an individual who for compensation or with the intent or expectation of receiving compensation engages in "the business of leasing, renting, subleasing, or other transfer of possession of real estate located in Montana and belonging to others without transfer of the title to the property." A person who engages in or conducts business, or advertises as a property manager in Montana must be licensed by the Board.

The term "property manager" includes, without limitation, an individual who:

- is employed by or on behalf of the owner, lessor or potential lessee of real estate to promote or conduct leasing, subleasing or other disposition or acquisition of real estate without transfer of the property's title;
- negotiates or attempts to negotiate the lease of any real estate located in Montana or of the improvements on any Montana real estate;

- engages in the business of promoting the lease, rental, exchange or other disposition of Montana real estate without transfer of title through the listing of the real estate in a publication issued primarily for this purpose;
- assists in creating or completing real estate leases;
- procures tenants for owners of Montana real estate;
- aids or offers to aid, for a fee, any person in locating or obtaining any Montana real estate for lease;
- makes the advertising of real property for lease available by public display to potential tenants;
- shows rental or lease properties to potential tenants;
- in conjunction with property management responsibilities, acts as a liaison between real estate owners and a tenant or potential tenant;
- in conjunction with property management responsibilities, generally oversees the inspection, maintenance of leased real estate belonging to another;
- in conjunction with property management responsibilities, collects rents or attempts to collect rents for any Montana real estate;
- pays a fee, commission or other compensation to a licensed broker, salesperson or property manager for referral of the name of a prospective lessor or lessee of real property or the name of a prospective buyer, seller, lessor or lessee of real estate; or

- advertises or represents to the public that the individual is engaged in any of the activities described above.

Timeshare salesperson

A "timeshare salesperson" is a person who for compensation of any kind "is associated with a timeshare development to sell, purchase, or negotiate for sale, purchase, lease, or exchange of the timeshare interests in real estate and who, on behalf of a developer, sells or offers to sell a timeshare to a purchaser."

Timeshare broker licenses are no longer issued.

Section 37-53-102 amended 2019; § 37-51-601 enacted 1993; § 37-51-102 amended 2009; § 37-51-602 amended 2015.

[Mont. Code Ann. §§ 37-51-102, -601, -602; -53-102 \(2019\)](#)

Montana, Licensing Exemptions

EXEMPTIONS FROM REAL ESTATE LICENSING REQUIREMENTS

Montana's real estate licensing laws do not apply to the following:

- a person who, as owner or lessor, performs any real estate act with reference to property he or she owns or leases;
- an auctioneer employed by an owner or lessor "to aid and assist in conducting a public sale held by the owner or lessor";
- an attorney-in-fact under a power of attorney from a real estate owner authorizing a real estate purchase, sale, exchange, rental, or lease, unless the person "does so regularly or consistently for a person or persons, for or with the expectation of receiving a fee, commission, or other valuable consideration in conjunction with a business or for the purpose of avoiding license requirements";
- an attorney-at-law performing his or her duties;

- a person appointed by a court to evaluate or appraise an estate in a probate matter;
- a receiver, bankruptcy trustee, administrator or executor;
- a person selling real estate under a court order;
- a trustee under a trust agreement, deed of trust or will;
- an auctioneer employed by a receiver, bankruptcy trustee, administrator, executor or trustee to aid in conducting a public sale held by the officer;
- a public official conducting his or her official duties;
- a person or entity prospecting, leasing, drilling or operating land for "hydrocarbons and hard minerals or disposing of any hydrocarbons, hard minerals, or mining rights, whether upon a royalty basis or otherwise";
- a person acting as a manager of subsidized housing complexes for low-income persons; or
- a person performing an act with respect to "right-of-way transfers for roads, utilities, and other public purposes" except conservation or recreational easements, condemnations, or governmental or tribal permits.

The licensing requirements also do not apply to a newspaper, publication of general circulation, radio station or television station engaged in the normal course of business.

EXEMPTIONS FROM PROPERTY MANAGEMENT LICENSING REQUIREMENTS

An actively licensed real estate broker or an actively licensed real estate salesperson acting under a

supervising broker's supervision may act as a property manager without meeting any qualifications in addition to those required for his or her broker or salesperson license and without holding a separate property manager's license. The property management licensing application requirements also do not apply to the following:

- a relative (as defined more specifically by regulation) of the real estate's owner;
- a person who leases no more than four residential units;
- an attorney-in-fact under a power of attorney from the real estate owner who authorizes the final consummation of any contract for renting or leasing real estate;
- an attorney-at-law performing his or her duties as an attorney;
- a receiver, bankruptcy trustee or personal representative;
- a person acting pursuant to a court order;
- a trustee acting under a trust agreement, deed of trust or will;
- an officer of the state or any of its political subdivisions conducting official duties;
- a manager of a subsidized housing complex for low-income individuals;
- a person who receives compensation from the real estate owner in the form of reduced rent or salary, "unless that person holds signatory authority on the account in which revenue from the real estate is deposited or disbursed";

- a person employed by a real estate owner if that person's property management duties are "incidental to the person's other employment-related duties"; or
- a person employed by only one person on a salaried basis.

Section 37-51-103 amended 2015; § 37-51-602 amended 2015.

[Mont. Code Ann. §§ 37-51-103, -602 \(2019\)](#)

Montana, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A broker's license applicant must:

- have graduated from an accredited high school or have an equivalent education;
- have completed 60 classroom hours, in addition to those required to secure a salesperson's license, in a Board-approved course of study taught by approved instructors and satisfactorily passed an examination regarding the material taught in each course.

The applicant must have obtained the 60 hours of approved prelicensing education during the 18-month period immediately preceding his or her application date. The course of study must consist of the following topics:

- business management;
- contracts;

- financial management;
- liability pertaining to real estate practice;
- professional conduct;
- real estate and property management trust accounting; and
- property management.

The applicant must attend 90 percent of the first hour and 100 percent of any additional hours in order to achieve credit for an approved course.

Service in "lower" category

A broker's license applicant must:

- have been "actively engaged as a licensed real estate salesperson" for a two-year period; or
- have had "experience or special education equivalent to that which a licensed real estate salesperson ordinarily would receive during this 2-year period."

An applicant must demonstrate that he or she was "actively engaged as a licensed real estate salesperson" by showing that he or she obtained a total of 30 points in any combination of point types within the past 36 months prior to the date of application. Point types and values are as follows:

Transaction points:

- one point for each closed residential real estate transaction, no more than five leases;
- three points for each closed farm, ranch, agricultural, or commercial transaction, no more than five leases; or
- upon furnishing evidence satisfactory to the Board, an applicant may receive credit for both sides of a transaction.

Education points:

- three points for an associate degree in real estate;
- three points for Certified Commercial Investment Member (CCIM) or Council of Real Estate Broker Managers (CRB);
- five points for a bachelor degree or higher in business management;
- five points for a law degree; or
- five points for a bachelor degree or higher in real estate.

Supervision points, obtained through supervision of real estate activity for any broker who has supervised real estate activity a minimum of 36 months:

- one point for each year of real estate brokerage supervisory experience, maximum of three points;

- one point for each licensed real estate full time equivalent (FTE) supervised within the last 36 months, maximum of ten points; or
- one point for every five transactions supervised in the last 36 months, maximum of 15 points.

Educator points, obtained by being an approved real estate educator in a jurisdiction: one point for each instructor day (minimum of six hours) within the past 36 months, maximum of ten points.

Sales or listings of property owned by the applicant, or by an entity in which the applicant has an interest or that employs the applicant, do not qualify as experience. Effective February 26, 2010, transactions in which the applicant only participated as a mortgage broker do not qualify as experience.

Waiver of qualifications for some professionals

A waiver applicant must hold a current active license in good standing. In addition, all waiver applicants are required to pass the state examination.

The Board may waive the experience requirement if it determines that an applicant could not obtain employment as a licensed real estate salesperson because of conditions in the area where the applicant resides.

Annual fees and filings

A licensee must notify the Department before or within 10 days after removal from his or her designated address.

If at any time the balance in the real estate recovery account is less than \$100,000, the Board may assess each licensee an amount that the Board determines to be sufficient to maintain the account's balance at a minimum of \$100,000. **Note:** Effective February 2, 2021, the real estate recovery fund is eliminated.

The following fees may apply to broker license renewals:

- for each renewal of a broker's license, a fee of \$175; and

- for activating a license on inactive status, a fee of \$87.50.

A licensee must renew his or her license on or before its expiration date.

Applicant investigation

No specifically relevant provisions were located. However, the Board may grant a license only to an individual it considers "to be of good repute and competent to transact the business of a broker or salesperson in a manner as to safeguard" the public's interests. Therefore, the Board may "require information it considers necessary from an applicant to determine honesty, trustworthiness, and competency."

Examinations

A real estate license applicant must satisfactorily pass a licensing examination. If an applicant passes one subject portion of the examination, the applicant need not repeat that portion if he or she passes the remaining portion within 12 months. The examination for a broker's license is "of a more exacting nature and scope and more stringent than" the salesperson's license examination.

A passing score is determined by a "psychometrically sound, criterion-related method associated with the assessment of minimal competence," which will be published prior to the examination.

All applicants who pass the examination must apply for a license within 12 months from the examination date. Failure to apply within that time invalidates the examination results.

Other prerequisites

A broker's license applicant must:

- be at least 18 years old;
- have the required educational background;
- have the required experience or have obtained a waiver of the experience requirement from the Board;

- complete the required 60 classroom hours, in addition to those required to secure a salesperson's license, and have satisfactorily passed an examination on the course material;
- pass the licensing examination;
- file a license application;
- effective November 1, 2020, submit proof of professional liability insurance coverage; and
- pay the appropriate fee.

The applicable fees for an original broker's license may include the following:

- examination fees payable to the appropriate national testing service; and
- for each original resident broker's license prorated to next full renewal cycle, a fee of \$175 and a \$35 recovery fund fee.

A license application must be:

- made on the Board-approved form;
- accompanied by the required fee; and

- include a recent 2" x 2" photograph of the applicant.

If an applicant currently holds, or has ever held, a real estate license in another jurisdiction, he or she must submit a certified license history from that licensing jurisdiction.

For broker's license applications, the applicant must provide evidence that the salesperson has performed the functions as a licensee that are required to be "actively engaged as a licensed real estate salesperson."

Corporate licensees

The Board may not license a corporation, a partnership or an association. A corporation or a partnership may "act as a licensee if every corporate officer and every partner performing the functions of a licensee is licensed."

ASSOCIATE (OR OTHER) BROKER QUALIFICATIONS

Supervising Broker

A supervising broker must have an active and valid Montana broker's license, and a supervising broker endorsement.

SALESPERSON QUALIFICATIONS

Education

A salesperson's license applicant must:

- have completed two years of "full curriculum study at an accredited high school or completed an equivalent education";
- furnish written evidence that he or she has completed, within a 24-month period immediately before the application date, 60 classroom or equivalent hours (effective March 2019, the Board may require between 60 to 80 hours) in a Board-approved course of study taught by approved instructors and has satisfactorily passed an examination on the course material.

The courses must include real estate principles, law, ethics and finance and related topics.

First-year educational requirements

All new sales licensees must complete the Board-mandated new-licensee mandatory continuing education requirement commonly known as the 12-hour rookie course, within 120 days following their original license issue date. "If no rookie course is offered within the 120-day period, the new licensee must complete the class when the class is next offered unless the new salesperson licensee's deadline for completing the rookie course is extended for good cause at the board's discretion. Only live in-person presentations of the rookie course will be approved by the board."

For the first licensing year, the rookie course substitutes for a salesperson's regular continuing education. The regular 12-hour continuing education requirement begins with the second licensing year.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

No relevant provisions were located.

Annual fees and filings

All real estate licensees are generally required to meet the annual filing requirements. (See "BROKER REQUIREMENTS" above.) However, a salesperson must complete additional post-licensing continuing educational requirements during his or her first year of licensure. (See "First-year educational requirements" above for educational requirements that apply to a salesperson's first year of licensure.) The fee for each renewal of a salesperson's license is \$150 and the fee for the "Rookie CE course preregistration" is \$175.

Applicant investigation

No specifically relevant provisions were located. However, a salesperson's license application must be accompanied by "the recommendation of the licensed broker by whom the applicant will be employed or placed under contract, certifying that the applicant is of good repute and that the broker will actively supervise and train the applicant during the period the requested license remains in effect."

Examinations

A real estate license applicant must satisfactorily pass a licensing examination. If an applicant passes one subject portion of the examination, the applicant need not repeat that portion of the examination if he or she passes the remaining portion within 12 months. The examination for a broker's license is "of a more exacting nature and scope and more stringent than" the salesperson's license examination. A passing score is determined by a "psychometrically sound, criterion-related method associated with the assessment of minimal competence," which will be published prior to

the examination.

All applicants who pass the examination must apply for a license within 12 months from the examination date. Failure to apply within that time invalidates the examination results.

Other prerequisites

A salesperson's license applicant must:

- be at least 18 years old;
- have met the general educational requirements;
- file an application;
- have completed the real estate educational requirements and have satisfactorily passed an examination dealing with the course material;
- include a broker's recommendation;
- pay the appropriate fee; and
- pass the licensing examination.

The fees that may be relevant to a salesperson's original licensing application are as follows:

- examination fees, payable to the national testing service;
- for each original salesman's license, a fee of \$150 and a \$35 recovery fund fee; and

- for the "rookie CE course preregistration," a fee of \$175.

A license application must be:

- made on the Board-approved form;
- accompanied by the required fee; and
- include a recent 2" x 2" photograph of the applicant.

If an applicant currently holds, or has ever held, a real estate license in another jurisdiction, he or she must submit a certified license history from that licensing jurisdiction.

SPECIALIST QUALIFICATIONS

Property management licenses

Education

A property-manager license applicant must:

- complete a 30-hour property management prelicensing course during the 24-month period immediately preceding the application date;
- be at least 18 years old; and
- have graduated from an accredited high school or completed an equivalent education.

The prelicensure curriculum must cover the following topics:

- the landlord tenant act (Title 70, chapter 24, M.C.A.);
- the federal and state fair housing laws;
- the Americans with Disabilities Act;
- the state licensing law and rules;
- trust accounts;
- accounting procedures;
- relevant definitions;
- contract law;
- agency; and
- leasing principles.

The applicant must attend 90 percent of the first hour and 100 percent of any additional hours in order to achieve credit for an approved course.

New licensee education requirements

All new property management licensees must complete 12 hours of property management continuing education by the second renewal date following their original license issue date. Four of the hours must consist of courses in property management trust accounts. If no course offered by the end of the licensing year, a new licensee must complete the course when the class is next offered unless it is extended for good cause at the Board's discretion. After satisfactorily completing their first renewal, property manager licensees may satisfy their continuing education obligations for subsequent years by choosing any continuing education courses approved by the Board, whether designated as property management education or not.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

Real estate brokers and salespersons who wish to obtain a property management license must meet all licensing requirements, including:

- completing the prelicensing course;
- passing the examination;
- submitting an application; and
- paying the required fee.

An actively licensed broker or an actively licensed salesperson acting under a broker's supervision may act as a property manager without meeting any qualifications other than those required for licensure as a broker or salesperson and without holding a separate property manager's license.

See "Licensing Exemptions" for a complete list of persons that are exempt from property management licensing requirements.

Annual fees and filings

For each annual renewal, the licensee must pay a fee of \$130.

Applicant investigation

The Board must require an applicant to provide information the Board believes necessary to ensure that a property manager licensee is "of good repute and competent to transact the business of a property manager in a manner that safeguards" the public's welfare and safety.

Examinations

A property manager license applicant must satisfactorily complete an examination on the material taught in the required course.

An applicant successfully completing the licensing examination must apply for his or her license within 12 months from his or her examination date. A passing score is determined by a "psychometrically sound, criterion-related method associated with the assessment of minimal competence," which will be published prior to the examination.

Other prerequisites

A property manager license applicant must:

- submit an application;
- furnish written evidence that he or she has met the educational requirements;
- satisfactorily complete an examination dealing with the material taught in the course;
- be at least 18 years old;
- have graduated from an accredited high school or completed an equivalent education; and
- pay the required fees.

An applicant must pay:

- the examination fee to the appropriate national testing service; and
- for each original license, a fee of \$105.

A property management license application must:

- be submitted on a Board-approved form; and
- be accompanied by the appropriate fees;

Timeshare licenses

Education

A person licensed as a real estate broker or salesperson may act as a timeshare salesperson upon successful completion of a course related to the timeshare industry, and no other license is required.

An applicant must successfully complete a Board-approved course related to the timeshare industry. The course must consist of eight classroom hours of instruction in Board-approved subjects. The Board must provide a correspondence course equivalent to eight classroom hours of instruction that meets the requirements.

An applicant may request approval for another course of study, other than the Board's correspondence course. The request must:

- be in writing; and
- contain all relevant available information about the course content and instructors or administrators.

The Board will not approve a course that an applicant attended more than two years before his or her application.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

A person offering timeshare units need not be licensed if the offering is exempt under § 37-53-205.

The rule allowing a licensed real estate broker or salesperson to act as a timeshare salesperson or timeshare broker was repealed, effective February 26, 2010.

Annual fees and filings

A timeshare broker or salesperson must renew his or her license and certificate of completion by completing the Board-approved form and paying the required fee.

Applicant investigation

A timeshare license applicant must provide a personal disclosure statement that contains the information set forth in regulation 24.210.1011 in detail and in the order provided, which information includes, among other things:

- any violations of timeshare, condominium, subdivision, real estate or consumer protection laws or regulations;
- any felony convictions;
- any civil actions related to timeshare, condominium, subdivision, real estate, consumer protection or contracts;
- a "narrative summary of the applicant's credit history and a current credit report, including three references for verification";
- three personal references; and

- three professional references.

Examinations

A license applicant must pass an examination demonstrating knowledge of the timeshare industry and the relevant laws and regulations. The Board must receive an applicant's examination application at least 15 days before the examination date.

Other prerequisites

An applicant must:

- complete an application;
- complete the education requirements; and
- pay the appropriate fees.

Section 37-51-502 enacted 1985; to be repealed effective February 1, 2021.; § 37-53-301 amended 2009; § 37-51--325 enacted 2019; § 37-51--602 amended 2015; § 37-51-303 amended 2005; § 37-51-301 amended 2015; §§ 37-51-308 and 37-51-603 amended 2017; § 37-51-302 amended 2019; r. 24.210.621 repealed; r. 24.210.401 amended 2019; r. 24.210.801 amended 2019; r. 24.210.661 amended 2019; rr. 24.210.602, 24.210.809, 24.210.812 amended 2012; rr. 24.210.615 and 24.210.818 amended 2007; rr. 24.210.1007 and 24.210.1016 amended 2010; rr. 24.210.661 and 24.210.829 amended 2017.

[Mont. Code Ann. §§ 37-51-301, -302, -303, -308, -325, -502, -602, -603; -53-301, -302 \(2019\); Mont. Admin. R. 24.210.401, .602, .611, .661, .801, .809, .812, .818, .829, .1007, .1016 \(2019\)](#)

Nebraska

Nebraska, Continuing Education Approval

PROVIDER

General requirements

The [Nebraska State Real Estate Commission](#) ("Commission"):

- approves continuing education activities programs it determines will protect the public by improving licensees' competency;
- may require descriptive information about any continuing education activity;
- may not approve a provider that does not meet the Commission's standards;
- must certify the number of hours to be awarded for an approved continuing education activity, based on contact or classroom hours or other criteria; and
- may certify the number of hours to be awarded for successful completion of a distance education course, based on the number of hours that would be awarded in an equivalent classroom course.

The Commission must qualify a continuing education activity if it determines:

- that the activity contributes to maintaining and improving real estate services that licensees provide to the public;
- the in-class continuing education activity consists of at least three, but no more than eight, in-class clock hours in any one day;
- the provider has submitted a complete application at least 30 days before the beginning of a continuing education activity;

- all instructors have met the Commission's qualification standards; and
- the provider has met the all other applicable provisions.

Beginning in 2011, licensees will be required to show proof of completion of broker-approved training activities. Training activities, and providers of those activities, are subject to approval by the Real Estate Commission.

Approval applications

A provider must submit a complete application at least 30 days before the beginning of a continuing education activity.

Distance learning course approval

"Distance education" means a course in which "instruction does not take place in a traditional classroom setting, but rather through other media by which instructor and student are separated by distance and sometimes by time." A continuing education activity delivered in a distance education format must have at least the "content equivalent" of three in-class clock hours.

The Association of Real Estate License Law Officials ("ARELLO") must certify continuing education activities offered in a distance education format. A student must complete a distance education activity within one year of his or her enrollment date.

Advertising

No specifically applicable provisions were located.

Student records

A provider must maintain records on each individual student for four years. The records must include the following:

- the student's name, address and real estate license identification number;
- the title and content number of the activity;
- the number of continuing education hours; and
- the date the student completed the activity.

Within 10 days, a provider must also provide the Commission with an alphabetical listing of the names and addresses of attendees at an approved continuing education activity who have met the completion requirements.

Certificates of completion

A provider must submit to each student, upon successful completion of a continuing education activity, a completion certificate, which may be no larger than 8" x 11" and must include the information required by the Commission. "Successful completion" of an approved continuing education activity requires a student's full-time attendance.

Other submissions

A provider must submit approved continuing education activities for review every three years, unless the provider makes substantial changes to the activity before that time, in which case, the provider must submit the changes for the Commission's approval before the activity is offered with the changes.

After approval or renewal, the provider must submit to the Commission, a notice of the scheduling of the activity. This requirement does not apply to distance education activities offered as an independent study.

CONTENT

A licensee may not use the following activities to meet the continuing education requirements:

- activities that are "specifically examination preparation in nature";
- activities that deal with office or business skills;
- activities that are "completed by a challenge examination (testing-out of the activity)";
- sales promotion or sales meetings held in conjunction with a brokerage firm's general business;
- orientation courses held by trade organizations; or
- continuing education activities taken before the activity's approval date.

MATERIALS

No specifically applicable requirements were located.

INSTRUCTOR QUALIFICATIONS

All instructors must meet the Commission's qualification standards.

PRIOR APPROVAL REQUIREMENTS

Approval timing

The Commission may approve a continuing education activity only if the provider has submitted a complete application at least 30 days before the beginning of the activity.

After initial approval, the approval of a substantial change or the renewal of a continuing education activity, the provider must submit to the Commission, before offering the activity, a notice of the scheduling of the activity.

Approval after class date

A licensee may not use a continuing education activity that she or he took before its approval date to meet the continuing education requirements.

EXAMINATION

Examination requirements

No relevant provisions were located.

Proctors

No relevant provisions were located.

Section 81-885.01 amended 2019; § 81-885.52 amended 2011; all regulations effective 1999; § 7-003 amended 2014.

[Neb. Rev. Stat. § 81-885.01, .52 \(2019\); 299 Neb. Admin. Code §§ 7-002, -003, -004, -006 \(2019\)](#)

Nebraska, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

An inactive licensee may renew his or her license at the end of the two-year licensing period without completing the continuing education requirements.

A licensee who enters the armed service or is called to active duty is not required to pay the renewal fee or complete the continuing education requirement during his or her service period. Upon discharge, the licensee may apply for reinstatement within six months of the discharge date as long as it is within three years of the beginning date of his or her service. The licensee must prove that his or her discharge was not dishonorable. If the discharge date is more than three years from the beginning service date, the licensee must meet the requirements for active status, including passing the current real estate examination.

A salesperson may use the courses he or she takes to meet the broker prelicense requirements, except "Real Estate Principles and Practices" or its equivalent, to meet both the licensee's continuing education requirement and the prelicense broker requirement.

In addition to continuing education activities directly approved by the Commission, the Commission may accept:

- activities approved to meet the continuing education requirements for license renewal in another jurisdiction;
- instructors of approved continuing education activities using the instruction time to meet his or her continuing education requirement, subject to certain restrictions; and
- licensees using approved appraisal continuing education toward their continuing education requirements, provided they take the courses during the applicable two-year period.

Required hours

In each two-year period, every licensee must complete 12 hours of approved continuing education activities and six hours of broker-approved training.

Of the 12 hours of required continuing education, six hours in each two-year period must be taken in continuing education activities which are derived from material covering ethical decision-making or federal or state laws, rules, or regulations dealing with or pertaining to real estate or real estate transactions, and which are approved and designated by the Commission as meeting this six-hour requirement. Three hours are required in each two-year period in a property management course or courses approved and designated by the Commission as meeting this requirement for all licensees who provide property management services during such two-year period, or who supervise a licensee or licensees who provide property management services during that period. Three hours are required in courses on teams or team leadership which are approved and so designated by the Commission for all team members, team leaders, and designated brokers who supervise teams within 180 days after being designated a team member or team leader, or in the case of a designated broker within 180 days of the creation of any team under the broker's supervision. Continuing education activities required for teams must meet the education requirements for the two-year continuing education period in which they are taken and the ensuing two-year continuing education period. Team members, team leaders and designated brokers who supervise teams must complete the required team training a minimum of once every four years.

The six hours of required training may be fulfilled by satisfactorily completing:

- training activities recognized by the Commission;
- Commission-approved continuing education activities; or
- by some combination of both.

Credit will not be granted when activities or substantial activity content is duplicated within four years. "R" courses, however, may be duplicated in subsequent continuing education periods, but not in the same continuing education period. Broker-approved training may be duplicated, subject to designated broker approval.

Broker licensees may not retake courses taken as part of their prelicense requirement and use them toward meeting their continuing education requirement, except as otherwise expressly permitted.

A licensee may not apply to the current period's continuing education requirements any activities that he or she took to make up a deficiency of the continuing education requirement from a previous licensing period.

Minimum class length

An in-class continuing education activity must consist of at least three, but no more than eight, in-class clock hours per day.

Subjects

A licensee may not use the following activities to meet the continuing education requirements:

- activities that are "specifically examination preparation in nature";
- activities that deal with office or business skills;
- activities that are "completed by a challenge examination (testing-out of the activity)";

- sales promotion or meetings held in conjunction with a brokerage firm's general business;
- orientation courses held by trade organizations; or
- continuing education activities taken before the activity's approval date.

Attendance requirements

"Successful completion of an approved continuing education activity requires full-time attendance at the activity."

Online classes

"Distance education" means a course in which "instruction does not take place in a traditional classroom setting, but rather through other media by which instructor and student are separated by distance and sometimes by time." A continuing education activity delivered in a distance education format must have at least the "content equivalent" of three in-class clock hours.

ARELLO must certify continuing education activities offered in a distance education format. A student must complete the distance education activity within one year of his or her enrollment date.

Other requirements

The fee for the two-year renewal of a broker's license may not exceed \$500.

An inactive licensee generally may renew his or her license by submitting, before December 1, a completed renewal application, on which he or she has noted his or her present "Inactive Status," and the renewal fee. The Commission will reinstate a license that has been inactive for a continuous period of more than three years only if the licensee has met an original applicant's examination requirement and has made-up the required continuing education hours.

ASSOCIATE BROKER REQUIREMENTS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements (see "BROKER REQUIREMENTS" above), except that the two-year renewal fee for a resident salesperson may not exceed \$400.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section 81-885.50 enacted 1985; §§ 81-885.14, 81-885.51 and 81-885.53 amended 2011; § 81-885.01 amended 2019; all regulations effective 1999; r. 7-011 amended 2016, effective July 1, 2017.

[Neb. Rev. Stat. §§ 81-885.01, .14, .50, .51, .53 \(2019\); 299 Neb. Admin. Code §§ 1-008, -009, -010, -011; 7-001, -002, -003, -006 \(2019\)](#)

Nebraska, Licensing Categories

OVERVIEW

A person who, for another and with the intention of receiving compensation or consideration, "offers, attempts, or agrees to perform or performs any single act" described in the "broker" definition below, is deemed a broker, associate broker or salesperson.

BROKER

A "broker" is a person who, for compensation or consideration,

- "negotiates or attempts to negotiate the listing, sale, purchase, exchange, rent, lease, or option for any real estate or improvements";
- assists in procuring prospects;
- holds himself or herself out as a referral agent to secure prospects for real estate transactions;
- collects rents or attempts to collect rents;

- gives a "broker's price opinion or comparative market analysis"; or
- holds himself or herself out as engaged in any of the above acts.

A "broker" also includes a person who

- is employed, by or on behalf of the owner of real estate and for compensation or consideration, to sell that real estate, or any part of it, in lots or parcels or otherwise dispose of it;
- auctions real estate; or
- deals in real estate options.

ASSOCIATE BROKER

An "associate broker" is a "person who has a broker's license and who is employed by another broker to participate in any activity" listed above.

SALESPERSON

A "salesperson" is a person, "other than an associate broker, who is employed by a broker to participate in any activity" listed above.

SPECIALIST CATEGORIES

Subdivision real estate

It is unlawful for any person or entity to sell or offer for sale any real estate in a subdivision except by a licensed broker and his or her employees. Before subdivision real estate is offered for sale, that person or entity must apply to the Commission for a subdivision certificate. "Subdivision" means any real estate offered for sale that "has been registered under the Interstate Land Sales Full Disclosure Act, 82 Stat. 590 and following, 15 U.S.C. 1701 and following, as such act existed on January 1, 1973, or real estate located out of this state which is divided or proposed to be divided

into twenty-five or more lots, parcels, or units."

Section 81-885.33 amended 2002; § 81-885.01 amended 2019; § 81-885.03 amended 2010.

[Neb. Rev. Stat. §§ 81-885.01, .03, .33 \(2019\)](#)

Nebraska, Licensing Exemptions

Nebraska's real estate licensing laws (except the provisions regarding the subdivision of land) do not apply to the following:

- a person or entity who, as owner or lessor, performs any of the acts described in the definition of "broker" (see "Licensing Categories") "with reference to property owned or leased by him, her, or it or to the regular employees thereof, with respect to the property so owned or leased, when such acts are performed in the regular course of or as an incident to the management, sale, or other disposition" of the property and investment in it, provided that the person does not perform the acts "in connection with a vocation of selling or leasing any real estate" or improvements;
- an attorney-in-fact under a power of attorney;
- an attorney-at-law performing as such;
- a receiver, bankruptcy trustee, personal representative, conservator or guardian;
- a person acting under a court order or under the authority of a will or trust instrument;
- a person acting as a witness in a judicial proceeding or a proceeding conducted by the state or a governmental subdivision or agency;
- the resident manager of an "apartment building, duplex, apartment complex, or court", if he or she resides on the premises and is engaged in leasing property in connection with his or

her employment, or an employee or family member of the owner or an employee of a licensed broker who manages rental property for the owner;

- a federal officer or employee conducting official duties;
- an officer or employee of the state government or any political subdivision performing official duties for real estate tax purposes or to acquire a real property interest for a public purpose;
- a person or his or her employee who "renders an estimate or opinion of value of real estate or any interest therein when such estimate or opinion of value is for the purpose of real estate taxation";
- a person who purchases or sells "oil, gas, or mineral leases or performs any activities related to the purchase or sale of such leases"; or
- railroads and other regulated public utilities, their subsidiaries or affiliated corporations, or their officers or regular employees, unless performing the real estate act is in connection with the sale, purchase, lease, or other disposition of real estate unrelated to the entity's principal business activity.

Section 81-885.04 amended 1993; § 81-885.05 amended 2009.

[Neb. Rev. Stat. §§ 81-885.04, .05 \(2019\)](#)

Nebraska, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A real estate license applicant must be a high school graduate or hold a certificate of high school equivalency.

A broker's license applicant must either have:

- served actively for two years as a licensed salesperson or broker and completed 60 class hours in addition to the 60 hours required for a salesperson's license; or
- passed a course of at least 18 credit hours "in subjects related to real estate at an accredited university or college, or completed six courses in real estate subjects" of at least 180 class hours in an approved course of study.

The courses required for a salesperson's or a broker's license include courses offered by private proprietary real estate schools if the courses are prescribed by the Commission and taught by Commission-approved instructors.

The prelicensing courses required by § 81-885.13 must be Commission-approved and offered by:

- "Nebraska accredited baccalaureate degree granting institutions and Nebraska or non-Nebraska institutions offering programs from which credits can be transferred to an accredited Nebraska baccalaureate degree granting institution";
- Nebraska community colleges;
- special Commission-approved institutes relating to real estate; and
- certain proprietary schools.

The Commission may also give credit for similar courses taken at similar institutions in other states. The Commission must approve and ARELLO must certify prelicensing distance education courses. A student must complete a distance education course within one year of his or her enrollment date.

Service in "lower" category

A broker's license applicant must either have:

- served actively for two years as a licensed salesperson or broker and completed 60 class hours in addition to the 60 hours required for a salesperson's license; or
- passed a course of at least 18 credit hours "in subjects related to real estate at an accredited university or college, or completed six courses in real estate subjects" of at least 180 class hours in an approved course of study.

The phrase "have served actively" means that the applicant must "have devoted his or her full-time to activities requiring the holding of a salesperson's license or if less than full-time, for a period of time equal to two-years full-time."

Waiver of qualifications for some professionals

The Commission will issue a nonresident who becomes a resident of Nebraska and who holds a broker's or salesperson's license in his or her prior jurisdiction a Nebraska broker's or salesperson's license if he or she files an application, pays the applicable license fee, complies with the required criminal history record information check, and files the required affidavit certifying that the applicant has reviewed and is familiar with the Nebraska licensing statutes and regulations. The applicant must also provide the Commission with proof that he or she has completed an approved three-hour class specific to the Nebraska Real Estate License Act and the Nebraska law of agency relationships prior to being issued a Nebraska license.

All licensees who enter the armed service or are called to active duty after issuance of a real estate license are not required to pay the renewal fee or complete the continuing education requirement during the service period. Upon discharge from said service, the license must be reinstated if the date of discharge is within three years of the date of beginning such service. To be eligible for reinstatement upon discharge, the licensee may make application for reinstatement within six months of the date of discharge as long as the date of discharge is within three years of the beginning date of such service. In any case of reinstatement, the licensee must show proof, in the form of a photostatic copy of his or her discharge or papers of separation, that his or her discharge was other than dishonorable. If the discharge date is after three years from the date of beginning service, the licensee must meet all the requirements for active status including the successful completion of the current real estate examination before the license will be reinstated.

Annual fees and filings

Effective 2011, licenses will be renewed for two-year periods. Licensees who were licensed before January 1, 2011, must renew their licenses on or before November 30, 2011. Those licensees who were scheduled to submit proof of continuing education by November 30, 2011, will renew their licenses for two years. Licensees who were scheduled to submit proof of continuing education on or before November 30, 2012 must renew in 2011 for a one-year period; they will then renew for a two-year period no later than November 30, 2012. A licensee who received his or her license on or after January 1, 2011 must renew his or her license no later than "the immediately following November 30 for two years." Each subsequent renewal of all licenses will be for two years, and will be due on or before November 30 of the renewal year. The fee for the two-year renewal of a broker's license is \$260.

An inactive licensee generally may renew his or her license by submitting before December 1 a completed renewal application, on which he or she has noted his or her present "Inactive Status," and the renewal fee. The Commission will reinstate a license that has been inactive for a continuous period of more than three years only if the licensee has met an original applicant's examination requirement and has made-up the required continuing education hours.

Applicant investigation

An applicant for an original real estate broker or salesperson license is "subject to fingerprinting and a check of his or her criminal history record information." After filing a license application, an applicant must:

- directly furnish to the Nebraska State Patrol , or to a fingerprint processing service that may be selected by the Commission, a full set of fingerprints for a criminal background investigation;
- request that the Nebraska State Patrol submit the fingerprints to the F.B.I. for a national criminal history record check;
- pay the actual cost of the fingerprinting and criminal history record information check; and
- authorize the release of the national criminal history record check to the Commission.

The Commission may grant a license only to persons who "bear a good reputation for honesty, trustworthiness, integrity, and competence to transact the business of broker or salesperson in such manner as to safeguard" the public's interest.

The following may be sufficient grounds for denial of a license:

- the applicant has been "convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other similar offense or offenses or has been convicted of a felony or a crime involving moral turpitude";
- the applicant has engaged in real estate business without a license;
- the applicant made a false statement of material fact on an application;
- there are grounds for suspension or revocation of a license; or
- the applicant has previously had a real estate license revoked.

Examinations

A broker's license applicant must pass "a written examination covering generally the matters confronting real estate brokers." Failure to pass the examination is grounds for denying the license without further hearing.

A real estate license applicant must file the application and be approved by the Commission before the examination date. Similarly, an applicant who has failed an examination must file an application and be "re-approved" before retaking the examination. After an applicant has failed the examination three times, he or she may not take the examination again for 30 days.

Applicants must complete the licensing process within 30 days of being notified that a passing grade was achieved.

Other prerequisites

A real estate license applicant must file a license application, which must set forth the following:

- the applicant's name and address and, if applicable, the name under which he or she intends to conduct business;
- if the applicant is an individual, his or her social security number;
- the places where he or she will conduct business; and
- any other information required by the Commission.

Each application for an original license must also include a "passport-type picture of the applicant taken within the past year."

A real estate license applicant must be at least 19 years of age.

An applicant must pay the following fees:

- an examination fee of no more than \$150;
- an application fee of no more than \$135;
- if applicable, a reexamination fee \$150; and
- for each applicant who has passed the examination, a license fee of \$130.

An application expires one year after it is received in the Commission's office.

Every licensee, except an inactive licensee, must have errors and omissions insurance.

Corporate and other entity licenses

A license application must set forth the following if the applicant will be conducting business through a partnership:

- each member's name and residence address;
- the partnership's designated broker's name; and
- the name under which the partnership business is to be conducted.

If the applicant will be conducting business through a limited liability company, the application must include:

- its members' names and addresses;
- the company's designated broker's name; and
- the name under which the business will be conducted.

If the applicant will be conducting business through a corporation, the application must include:

- each principal officer's name and address;

- the corporation's designated broker's name; and
- the name under which the business will be conducted.

If a broker maintains more than one place of business in Nebraska, he or she must obtain a license for each branch office.

ASSOCIATE BROKER QUALIFICATIONS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON QUALIFICATIONS

Education

A real estate license applicant must be a high school graduate or hold a certificate of high school equivalency.

Each applicant for a salesperson's license must complete two Commission-approved courses in real estate subjects, composed of at least 60 class hours of study or approved distance education courses.

The courses required for a salesperson's or a broker's license include courses offered by private proprietary real estate schools if the courses are prescribed by the Commission and are taught by Commission-approved instructors.

The prelicensing courses required by § 81-885.13 must be Commission-approved and offered by:

- "Nebraska accredited baccalaureate degree granting institutions and Nebraska or non-Nebraska institutions offering programs from which credits can be transferred to an accredited Nebraska baccalaureate degree granting institution";
- Nebraska community colleges;
- special Commission-approved institutes relating to real estate; and

- certain proprietary schools.

The Commission may also give credit for similar courses taken at similar institutions in other states. The Commission must approve and ARELLO must certify prelicensing distance education courses. A student must complete a distance education course within one year of his or her enrollment date.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

All real estate licensees are subject to the same waivers. (See "BROKER REQUIREMENTS" above.)

Annual fees and filings

Effective in 2011, salesperson licenses will be renewed for two-year periods. Licensees who were licensed before January 1, 2011, must renew their licenses on or before November 30, 2011. Those licensees who were scheduled to submit proof of continuing education by November 30, 2011, will renew their licenses for two years. Licensees who were scheduled to submit proof of continuing education on or before November 30, 2012 must renew in 2011 for a one-year period; they will then renew for a two-year period no later than November 30, 2012. A licensee who received his or her license on or after January 1, 2011 must renew his or her license no later than "the immediately following November 30 for two years." Each subsequent renewal of all licenses will be for two years, and will be due on or before November 30 of the renewal year. The fee for the two-year renewal of a salesperson's license is \$200.

An inactive licensee generally may renew his or her license by submitting, before December 1, a completed renewal application, on which he or she has noted his or her present "Inactive Status," and the renewal fee. The Commission will reinstate a license that has been inactive for a continuous period of more than three years only if the licensee has met an original applicant's examination requirement and has made-up the required continuing education hours.

Applicant investigation

All real estate licensees are subject to the same investigation provisions. (See "BROKER REQUIREMENTS" above.)

Examinations

A salesperson's license applicant must pass "a written examination covering generally the matters confronting real estate salespersons."

A real estate license applicant must file an application and be approved by the Commission before the examination date. Similarly, an applicant who fails the examination must file an application and be "re-approved" before retaking the examination. After an applicant has failed the examination three times, he or she may not be permitted to take the examination again for 30 days.

Applicants must complete the licensing process within 30 days of being notified that a passing grade was achieved.

Other prerequisites

A real estate license applicant must file a license application, which must set forth the following:

- the applicant's name and address and, if applicable, the name under which he or she intends to conduct business;
- if the applicant is an individual, his or her social security number;
- the places where he or she will conduct business; and
- any other information required by the Commission.

Each application for an original license must also include a "passport-type picture of the applicant taken within the past year."

A real estate license applicant must be at least 19 years of age.

An applicant must pay the following fees:

- an examination fee of no more than \$150;

- an application fee of no more than \$135;
- if applicable, a reexamination fee of no more than \$150 for each; and
- for each applicant who has passed the examination, a license fee of \$100.

Every licensee, except an inactive licensee, must have errors and omissions insurance.

SPECIALIST QUALIFICATIONS

Subdivision certificate

Education

No relevant provisions were located.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications

Sections 81-885.33 to 81-885.40, which address subdivision certificates, do not apply to:

- the "sale or lease of lots in a subdivision for industrial or commercial properties"; or
- the "sale or lease of real estate not pursuant to a common promotional plan to offer or sell twenty-five or more lots in a subdivision."

Annual fees and filings

If the Commission approves a subdivision certification application, it must issue a certificate of registration to the applicant, after which the certificate holder must pay an annual fee of \$50 plus \$10 for each 100 lots or fraction thereof (computed on the number of lots in the original

application) on or before January 1 of each year. Before issuing the renewal certificate each year, the certificate holder must furnish to the Commission any information it requests, and if an investigation is required, the certificate holder must pay the investigation's cost.

Applicant investigation

The Commission:

- must "thoroughly investigate all matters" relating to an application; and
- may require a personal inspection of the real estate.

The applicant must pay all expenses incurred by the Commission in its investigation, and the Commission will require a deposit sufficient to cover the expenses before it incurs them.

Before issuing a renewal certificate each year, the certificate holder must furnish to the Commission any information it requests, and if an investigation is required, the certificate holder must pay the investigation's cost.

Examinations

No relevant provisions were located.

Other prerequisites

Before subdivision real estate is offered for sale, a person or entity must apply for a subdivision certificate in writing. The application must be accompanied by a filing fee of \$100 plus \$25 for each 100 lots (or fraction thereof) to be offered for sale. The application must contain the information required by § 885.34, which generally includes:

- the applicant's name and address;
- whether the applicant is a person, partnership, limited liability company or corporation, with additional specified information if the applicant is an entity;
- the legal description and area of the real estate to be offered for sale;

- the owner's name and address;
- a certified, audited financial statement disclosing the developer's current financial condition;
- a statement of the condition of the title of the subdivided lands;
- copies of the instruments by which the interest was acquired;
- a statement of any liens or encumbrances;
- a statement of the terms and conditions for the disposal of the real estate, with copies of any contracts to be used, which contracts must include certain specified provisions;
- the zoning and other governmental regulations affecting the use of the land; and
- a copy of an offering statement.

The subdivider must also offer satisfactory proof of his or her ability to provide promised public improvements.

Obtaining a certificate of registration constitutes sufficient contact for personal jurisdiction over the applicant in any action arising out of the applicant's activity in Nebraska.

Sections 81-885.36, .41 and .42 enacted 1973; §§ 81-885.12, .34, amended 2002; § 81-885.35 amended 1983; § 81-885.11 amended 2014; 81-885.13, .14, and .17 amended 2019; § 885.19 amended 2017; § 81-885.55 amended 2004; §§ 81-885.14 amended 2011; all regulations effective 1999; § 1-004 amended 2016.

[Neb. Rev. Stat. §§ 81-885.11, .12, .13, .14, .17, .19, .34, .35, .36, .41, .42, .55 \(2019\); 299 Neb. Admin. Code §§ 1-001, -002, -003, -004, -005, -008, -009, -010, -011 \(2019\); Salesperson and Broker Application Procedures \(last visited Nov. 30, 2019\)](#)

Nevada

Nevada, Continuing Education Approval

PROVIDER

General requirements

The [Nevada Real Estate Division of the Department of Business and Industry](#) ("Division"), with the approval of the Real Estate Commission ("Commission"), establishes by regulations the requirements for:

- a "course of instruction in real estate principles, practices, procedures, law and ethics";
- a school that may offer the course; and
- uniform and reasonable instruction standards.

Pursuant to Nevada statutes, the Commission must "qualify only those educational courses that it determines address the appropriate subject matter and are given by an accredited university or community college." However, the regulations define "school" as including the following:

- a university, school or community college that is part of the Nevada System of Higher Education, or "any other university or college bearing the same or an equivalent accreditation"; or
- a professional school or college licensed by the Nevada Commission on Postsecondary Education.

The Commission may also approve a course conducted by any other school, professional society or organization if the Division finds that the course meets the standards for continuing education established by the Commission.

Commencing September 1, 2018, the Commission will grant credit for continuing education, not to exceed six hours during a licensing period to a licensee for attending a Commission meeting:

- the meeting for which credit is being sought is not a hearing in which the licensee is participating as the result of a disciplinary action;
- the meeting for which credit is being sought lasts at least three hours;
- the Commission certifies, for the purposes of providing continuing education credit, the licensee's attendance at the meeting; and
- if a licensee attends only part of a Commission, the Division may determine the number of hours of credit, if any, that the licensee may receive for continuing education pursuant to regulation.

Licensees must register to attend a Commission meeting online before the meeting in order to obtain credit.

Approval applications

A provider must submit to the Division an application for the approval of a continuing education course on a Division-provided form.

Distance learning course approval

"Distance education" is instruction "delivered by video, computer, television, correspondence, the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the student receiving the instruction are separated by distance or by time, or by both distance and time."

Regulation 645.443, which is a generally applicable regulation related to real estate education, provides that a person who requests approval of a distance education course must demonstrate that the proposed course satisfies the following requirements (which are described in more detail in the regulation):

- the course must be "designed to ensure that students actively participate in the instructional process by utilizing techniques that require substantial interaction with the instructor, other students or a computer program";
- if the course does not provide students with "continuous audio and visual communication" with the instructor, it "must utilize testing and remedial processes appropriate to ensure mastery of the subject matter";
- if the course involves self-paced study, it must be designed so that the time required for a student of average ability to complete the course is "within the number of hours for which the course is approved";
- the proposed instruction methods must be appropriate to the course's proposed learning objectives;
- the instructional materials' scope and depth must be consistent with the proposed learning objectives;
- the sponsor must provide "appropriate technical support";
- an approved instructor must be "reasonably available to respond timely to questions" and "to direct students to additional sources of information" (a response made within two business days is deemed timely);
- the sponsor must provide students with an orientation or information package that contains all information the Division requires a sponsor to provide to students and all necessary course information; and

- the sponsor must use procedures that reasonably ensure that a student who receives continuing education credit for completing the course actually performed all the required work.

A sponsor seeking approval of a computer-based course must:

- submit to the Division a complete copy of the course in the medium to be used; and
- if requested, make available, at the sponsor's expense, all equipment and software necessary to enable the Division to review the course.

For an Internet-based course, the sponsor must provide the Division with access to the course via the Internet at no charge.

In determining whether to approve a distance education course, the Commission considers whether:

- the course consists of at least three hours of instruction;
- students are "required to complete a written examination proctored by a person acceptable to the Division or using a secure electronic method acceptable to the Division"; and
- the course is presented by an accredited college or university that offers distance education in other disciplines or the course design and delivery method has been accredited by an approved agency.

See r. 645.443(3)(c) for a detailed list of considerations that an approved accrediting agency must use when determining whether to accredit a distance education course.

Nevada regulations regarding continuing education requirements specify that a distance-education course sponsor must require each student to:

- take a "closed-book final examination with a proctor present at a location designated by the sponsor in its application for approval filed with the Division and receive a score of at least 75 percent to pass the course";
- prove his or her identity before taking an examination;
- complete an entire course to receive credit; and
- complete the course "within an established minimum and maximum time."

The sponsor must also:

- publish a policy for retaking a failed examination; and
- maintain for at least four years a record of students' course completion.

Advertising

Any advertising, brochure or registration form for a continuing education course must contain the sponsor's policy regarding cancellations and refunds.

Student records

For a classroom course, a sponsor must maintain, for at least four years, an attendance record containing the following information for each licensee who has taken the course for credit:

- the licensee's name and license number;

- the course's title and number;
- the "hours of instruction attended and dates of attendance by the licensee"; and
- a statement that the licensee successfully completed the course, if applicable.

For a distance education course, a sponsor must maintain, for at least four years, a record of course completion that contains the following information for each licensee who took the course for credit:

- the licensee's name and license number;
- the course's title and number; and
- a statement that the licensee successfully completed the course.

Certificates of completion

A sponsor must provide a certificate of completion to a licensee upon the licensee's completion of the course. A sponsor's certificate of completion must contain the following:

- the sponsor's name;
- the licensee's name and license number;
- the number of approved hours for continuing education credit;
- the instruction dates for a classroom course or the completion date for a distance education course;

- the course's or seminar's title;
- the Division-assigned course number and a statement that the course was approved;
- an authorized signature;
- a statement of whether the licensee successfully completed the course if an examination was given; and
- the course's delivery method.

Within three business days after course completion, the sponsor must electronically submit to the Division a roster which includes the name of each licensee who successfully completed the course.

Generally, to receive a certificate of completion for an approved course a student must:

- direct his or her attention to the instruction and refrain from engaging in unrelated activities; and
- refrain from "engaging in activities which are distracting to other students or the instructor, or which otherwise disrupt the orderly conduct of a class, including, without limitation, the use of cellular telephones, laptop computers, tablet computers or other electronic devices."

Other submissions

Within 15 days after any material change in the information the school provided in its approval application, the school must notify the Division of that change.

To qualify for an annual renewal of the Commission's approval, a school must submit before July 1 of each year:

- a written certification that the school has met all applicable requirements;
- a sworn statement that the information contained in the original application is current or a list of all material changes; and
- payment of the appropriate renewal fee.

CONTENT

Pursuant to r. 645.448, a real estate salesman who wishes to renew his or her license must complete at least 48 hours of continuing education during the four-year renewal period, of which at least 24 hours must be completed before the end of each two-year period. At least 12 hours in each two-year period must cover ethics, professional conduct or the legal aspects of real estate. Those hours must include:

- three hours regarding agency relationships;
- three hours regarding Nevada real estate laws, emphasizing recent statutory and regulatory changes;
- three hours regarding contracts; and
- three hours regarding ethics.

A broker or broker-salesman who wishes to renew his or her license must complete at least 48 hours of continuing education during the four-year renewal period, of which at least 24 hours must be completed before the end of each two-year period, of which at least 15 hours must cover ethics, professional conduct or the legal aspects of real estate. Those hours must include:

- three hours regarding agency relationships;
- three hours regarding Nevada real estate law, emphasizing recent statutory and regulatory changes;
- three hours regarding contracts;
- three hours regarding ethics; and
- three hours regarding broker management.

The above requirements do not apply to renewal of a license upon expiration of the initial license.

A continuing education course must contain:

- current real estate information that will improve the licensee's professional knowledge and enable him or her to "give better service to the public"; and
- information that relates to relevant Nevada laws and regulations.

Courses in the following areas are acceptable for continuing education:

- the "[e]thics of selling real estate";
- legislative issues that concern real estate practice or licensees, including pending and recent legislation;

- real estate law and regulations;
- real estate financing;
- measuring and evaluating the real estate market;
- administration of a real estate brokerage;
- real estate mathematics;
- managing real property;
- exchanging real property;
- planning and zoning for land use;
- real estate securities and syndications;
- accounting and taxation as they relate to real property;
- developing land;
- agency and related subjects;
- using calculators and other technologies in a real estate practice;

- preparing real estate contracts; and
- personal development courses.

If "the sponsor agrees to comply with the provisions of subsections 3 and 4 of NAC 645.455, NAC 645.457 and 645.463 and subsection 1 of NAC 645.4432," the administrator may accept as meeting the continuing education standards, without application or specific approval, a course in real estate or a directly related subject that:

- the Commission has previously approved; or
- is offered by an accredited university or community college for college credit.

Upon application, the Commission may approve "a course conducted by any other school, professional society or organization if the Commission finds that the course meets the standards for continuing education."

The following do not meet the continuing education standards:

- an examination preparation course;
- a course designed to develop or improve clerical, office or business skills that are not related to real estate activities;
- a sales-promotion meeting, office-training program or other activity that is held as part of the licensee's general business;
- an orientation course for licensees; or

- a development course for instructors.

The Commission will not approve more than:

- seven credit hours per day if the provider does not give a final examination; or
- eight credit hours per day if the provider gives a final examination.

MATERIALS

The sponsor must provide students with a Division-prescribed evaluation form for each approved course and each instructor. The sponsor must arrange for a person other than the instructor to collect and mail or deliver the completed evaluations to the Division within ten working days.

For an approved course being offered for continuing education, a sponsor must state on all course materials:

- that the course is approved for continuing education in Nevada;
- the number of credit hours for which the course is approved;
- the sponsor's number; and
- the "manner in which instruction for the course will be delivered."

INSTRUCTOR QUALIFICATIONS

The regulations generally applicable to real estate education provide that an instructor must have the Division's written approval before teaching an approved course. An instructor applicant must

apply on the Division-prescribed form.

The Division may not, without the Commission's approval, approve an applicant as an instructor if he or she:

- has been disciplined by the Commission during the immediately preceding five years or more than once; or
- has been determined "in an administrative or judicial proceeding to have violated any statute, rule, regulation or order pertaining to real estate" in any state.

The Commission may approve a person as an instructor to teach an approved course related his or her principal occupation if the applicant has:

- a bachelor's degree or a more advanced degree and at least two years' full-time experience in the field in which he or she will be providing instruction;
- at least 75 hours' teaching experience in the field during the three years immediately before his or her application date and at least three years of full-time experience in that field;
- at least six years' full-time experience in that field; or
- a combination of at least six years of college-level course work and full-time experience in the field.

The applicant must also:

- have a "good reputation for honesty, integrity and trustworthiness"; and

- submit to the Division "satisfactory documentation of his qualifications and a resume outlining his experience, education and teaching experience in the field in which he will be providing instruction."

PRIOR APPROVAL REQUIREMENTS

Approval timing

No specifically relevant provisions regarding the timing of course or provider approvals were located. However, within 15 days after any material change in the information provided in an approval application, a school must notify the Division of the change. Also, the regulations that generally apply to real estate education provide that an instructor must have the Division's written approval before he or she teaches an approved course.

Approval after class date

The Commission may grant retroactive approval for a continuing education course.

EXAMINATION

Examination requirements

In determining whether to approve a distance education course, the Commission considers whether students are "required to complete a written examination proctored by a person acceptable to the Division or using a secure electronic method acceptable to the Division." Also, Nevada regulations regarding the state's continuing education requirements specify that the sponsor of a distance education course must require each student to:

- take a "closed-book final examination with a proctor present at a location designated by the sponsor in its application for approval filed with the Division and receive a score of at least 75 percent to pass the course"; and
- prove his or her identity before taking any examination.

The sponsor must also publish its policy for retaking a failed examination.

Proctors

In determining whether to approve a distance education course, the Commission considers whether students are "required to complete a written examination proctored by a person acceptable to the Division or using a secure electronic method acceptable to the Division." Also, Nevada regulations regarding the state's continuing education requirements specify that the sponsor of a distance education course must require each student to take a "closed-book final examination with a proctor present at a location designated by the sponsor in its application for approval filed with the Division and receive a score of at least 75 percent to pass the course."

Statutory section 645.345 amended 1981; § 645.575 amended 2019; regulation 645.420 amended 1982; rr. 645.021 and 645.444 adopted 2004; rr. 645.407, 645.425, 645.443, 645.457 and 645.458 amended 2004; r. 645.426 amended 2006; rr. 645.4438, 645.450, 645.455 amended 2016; rr. 645.400, .404, .448 amended 2018.

[Nev. Rev. Stat. § 645.345, .575](#) (as amended by [2019 Nev. Laws ch. 440 \(S.B. 230\)](#)); [Nev. Admin. Code §§ 645.021, .400, .404, .407, .420, .425, .426, .443, .4438, .444, .448, .450, .455, .457, .458 \(2017\)](#); [Regulations effective Feb. 27, 2018](#)

Nevada, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

A licensee who is called into military service is:

- at his or her request, relieved from complying with chapter 645; and
- placed on inactive status for the period of his or her military service and six months after discharge.

At any time within six months after the licensee terminates his or her service, the Commission may reinstate the licensee, without examination, to "active status in the appropriate classification which the licensee left upon entry into the military service, without having to meet any qualification or requirement" other than paying the reinstatement fee. The licensee is also not required to pay a license fee for that year. To qualify for reinstatement, the licensee must present a certified copy of his or her honorable discharge or a certificate of satisfactory service.

Effective July 1, 2019, a licensee who is 65 years old or older may apply to the Division for an exemption from the continuing education requirements other than the mandatory subjects, if the person has been licensed in good standing as a broker, broker-salesperson or salesperson in Nevada for 30 years or longer at the time of the exemption application.

The Commission will grant up to six hours of continuing education credit during a licensing period to a licensee for attending a meeting of the Commission if:

- the Commission's meeting is not a hearing in which the licensee is participating because of disciplinary action;
- the Commission's meeting lasts at least 3 hours; and
- the Commission certifies the licensee's attendance.

If a licensee attends only part of a Commission meeting, the Division may determine the number of hours of credit the licensee may receive.

A licensee may petition the Administrator for additional time in which to comply with the state's continuing education requirements. The Administrator may grant the extension if he or she finds that the licensee "has a severe hardship resulting from circumstances beyond his control which has prevented him from meeting the requirements."

Required hours

Effective July 1, 2015, licenses expire every 24 months after the initial 12-month license period, with 24 hours of continuing education required each two-year period, of which 15 hours must comply with the above listed subjects/hours. Effective July 1, 2019, the Commission must require a minimum of 36 hours of continuing education and must adopt regulations setting forth mandatory subject matter which must be completed by all licensees. As of December 1, 2019, the necessary regulations had not yet been adopted.

A course may not be taken for credit more than once during a single licensing period. Courses must be taken within two years immediately before the latest date for renewing the license.

See "Licensing Prerequisites" for educational requirements that apply to the first year of licensure.

Minimum class length

The Commission will grant credit for a continuing education course only if it consists of at least three hours of distance education or one hour of classroom instruction.

Subjects

See *Required hours*, above.

A continuing education course must contain:

- current real estate information that will improve the licensee's professional knowledge with regard to the subject areas described below and enable him or her to "give better service to the public"; and
- information that relates to relevant Nevada laws and regulations relating to real estate transactions in Nevada.

Courses in the following areas are acceptable for continuing education:

- the "[e]thics of selling real estate";
- legislative issues that concern a real estate practice or real estate licensees, including recent legislation and regulatory revisions;
- real estate law and regulations;

- real estate financing;
- measuring and evaluating the real estate market;
- administration of a real estate brokerage;
- real estate mathematics;
- managing real property, including residential and commercial leasing agreements, accounting procedures and management contracts;
- exchanging real property;
- planning and zoning for land use;
- real estate securities and syndications;
- accounting and taxation, as they relate to real property;
- developing land, including without limitation, issues relating to development of farms and ranches;
- agency and related subjects;
- using calculators and other technologies in a real estate practice;

- preparing real estate contracts;
- personal development courses, including, without limitation, cross-cultural communications; international real estate transactions;
- antitrust laws;
- consumer protection issues;
- environmental issues, including, without limitation, issues relating to energy and water conservation and environmental responsibility.

The following do not meet the continuing education standards:

- an examination preparation ("cram") course;
- a course designed to develop or improve clerical, office or business skills that are not related to real estate activities;
- a sales-promotion meeting, office-training program or other activity that is held as part of the licensee's general business;
- an orientation course for licensees; or
- a development course for instructors.

The Commission will not approve more than:

- seven credit hours per day of instruction in a classroom if the provider does not give a final examination; or
- eight credit hours per day of instruction if the provider gives a final examination.

Attendance requirements

A licensee may receive credit for continuing education only if the sponsor certifies that the licensee has attended and completed at least 90 percent of the course.

Online classes

"Distance education" is instruction "delivered by video, computer, television, correspondence, the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the student receiving the instruction are separated by distance or by time, or by both distance and time."

Regulation 645.443 provides that a distance education course must meet the following requirements:

- the course must be "designed to ensure that students actively participate in the instructional process by utilizing techniques that require substantial interaction with the instructor, other students or a computer program";
- if the course does not provide students with continuous audio and visual communication with the instructor, it "must utilize testing and remedial processes appropriate to ensure mastery of the subject matter";
- if the course involves self-paced study, it must be designed so that the time required for a student of average ability to complete the course is "within the number of hours for which the course is approved";
- the proposed instruction methods must be appropriate to the course's proposed learning objectives;

- the instructional materials' scope and depth must be consistent with the proposed learning objectives;
- the sponsor must provide "appropriate technical support";
- an approved instructor must be "reasonably available to respond timely to questions" and "to direct students to additional sources of information" (a response made within two business days is deemed timely);
- the sponsor must provide students with an orientation or information package that contains all information the Division requires a sponsor to provide to students and all necessary information about the course; and
- the sponsor must use procedures that reasonably ensure that a student who receives continuing education credit for completing the course actually performed all the required work.

In determining whether to approve a distance education course, the Commission considers whether:

- the course consists of at least three hours of instruction;
- students are "required to complete a written examination proctored by a person acceptable to the Division or using a secure electronic method acceptable to the Division"; and
- the course is presented by an accredited college or university that offers distance education in other disciplines or the course design and delivery method has been accredited by an approved agency that accredits distance education.

Nevada regulations regarding the state's continuing education requirements specify that the sponsor of a distance education course must require each student to:

- take a "closed-book final examination with a proctor present at a location designated by the sponsor in its application for approval filed with the Division and receive a score of at least 75 percent to pass the course";
- prove his or her identity before taking any examination;
- complete an entire course to receive credit; and
- complete the course "within an established minimum and maximum time."

The distance education course sponsor must also:

- publish a policy for retaking a failed examination; and
- maintain for at least four years a record of a student's completion of the course.

Other requirements

At least 50 percent of the total hours of required continuing education must be taken through live instruction in which the licensee and the instructor are in the same room, except that a licensee who lives in a rural area may, with the prior approval of the Division, complete the required hours of continuing education in courses of distance education, if such courses are available.

Except as otherwise provided, a licensee must renew his or her original license before the initial 12-month license period expires. Thereafter, the licensee must renew his or her license before each subsequent 24-month license period expires. A real estate license expires at midnight on the last day of the last month of the applicable license period.

The Division may:

- maintain a secure website on the Internet through which a person may renew his or her license, permit, certificate or registration issued pursuant to chapter 645; and
- charge a fee for each license, permit, certificate or registration renewed through the use of the website.

If a licensee fails to renew his or her license before its expiration date, the Commission may not issue a license except upon another application for an original license, except that during the first year after a license's expiration, the Commission may issue a renewal if the licensee pays a the amount required.

Upon application for or renewal of a real estate license, every licensee must pay, in addition to the original or renewal fee, a fee for the Real Estate Education, Research and Recovery Fund.

The fees that apply to a broker's license renewal are as follows:

- for the Real Estate Education, Research and Recovery Fund, a fee of \$40 to be paid upon renewal application;
- for each renewal of a real estate broker's or broker-salesman's license, a fee of \$180; and
- for each penalty for a late filing of a renewal for a broker's or broker-salesman's license, a fee of \$95.

If a licensee fails to file a renewal application before his or her license expires, he or she must have his license reinstated by:

- applying on the appropriate form;

- paying the required fees;
- if required, passing the examination; and
- submitting any other required information, including current fingerprint cards.

A licensee who is in good standing and whose license is on "inactive renewed status" may apply to have his or her license reinstated to active status by submitting an application that:

- is on the Division-supplied form;
- is accompanied by the required fees;
- contains evidence that the licensee has paid the required Real Estate Education, Research and Recovery Fund fee;
- if for reinstatement of a broker's license, is accompanied by a completed financial statement prepared on the Division-prescribed form;
- includes evidence that the licensee has met the continuing education requirements; and
- includes any other required information, including current fingerprint cards.

However, if a license has been inactive for more than two years, the licensee must also show that he or she is competent to engage in the real estate business and must obtain a score of at least 75 percent on the examination.

See r. 645.445 for additional general requirements that apply to the renewal or reinstatement of a license and r. 645.448 for additional specific educational requirements that apply to a licensee who

wishes to reinstate an inactive license.

BROKER-SALESMAN REQUIREMENTS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESMAN REQUIREMENTS

Exemptions

All real estate licensees are subject to the same continuing education exemptions. (See "BROKER REQUIREMENTS" above.)

Required hours

If the license was last renewed before July 1, 2015, a real estate salesman who wishes to renew his or her license must successfully complete at least 48 hours of approved continuing education courses, seminars or conferences during the four-year license period, with 24 hours completed and reported each two-year period, of which at least 12 hours must be devoted to ethics, professional conduct or the legal aspects of real estate. These hours must include the following:

- three hours regarding agency relationships;
- three hours regarding Nevada law;
- three hours regarding contracts; and
- three hours regarding ethics.

If the license was last renewed on or after July 1, 2015, a real estate salesman who wishes to renew his or her license must successfully complete at least 24 hours of continuing education at approved educational courses, seminars or conferences during the two-year license renewal period, at least 12 hours of which meet the above listed requirements.

See "Licensing Prerequisites" for educational requirements that apply to the first year of licensure.

Minimum class length

All real estate license courses are subject to the same minimum class length. (See "BROKER REQUIREMENTS" above.)

Subjects

See Required hours, above.

A continuing education course must contain:

- current real estate information that will improve the licensee's professional knowledge and enable him or her to "give better service to the public"; and
- information that relates to relevant Nevada laws and regulations.

Courses in the following areas are acceptable for continuing education:

- the "[e]thics of selling real estate";
- legislative issues that concern real estate practice or real estate licensees, including pending and recent legislation;
- real estate law and regulations;
- real estate financing;
- measuring and evaluating the real estate market;
- administration of real estate brokerage;

- real estate mathematics;
- managing real property;
- exchanging real property;
- planning and zoning for land use;
- real estate securities and syndications;
- accounting and taxation, as they relate to real property;
- developing land;
- agency and related subjects;
- using calculators and other technologies in a real estate practice;
- preparing real estate contracts; and
- personal development courses.

The following do not meet continuing education standards:

- an examination preparation course;
- a course designed to develop or improve clerical, office or business skills that are not related to real estate activities;
- a sales-promotion meeting, office-training program or other activity that is held as part of the licensee's general business;
- an orientation course for licensees; or
- a development course for instructors.

The Commission will not approve more than:

- seven credit hours per day if the provider does not give a final examination; or
- eight credit hours per day if the provider gives a final examination.

Attendance requirements

All real estate licensees are subject to the same attendance requirements. (See "BROKER REQUIREMENTS" above.)

Online classes

All real estate licensees are subject to the same online class provisions. (See "BROKER REQUIREMENTS" above.)

Other requirements

All real estate licensees are subject to the same other requirements (see "BROKER REQUIREMENTS" above), except that the renewal fees for a salesman's license are as follows:

- for the Real Estate Education, Research and Recovery Fund, a fee of \$40 to be paid at the time of filing a renewal application;
- for each renewal of a salesman's license, a fee of \$140; and
- for each late filing penalty for renewing a salesman's license, a fee of \$75.

Effective for licenses issued or renewed on or after July 1, 2015, the initial license term is 12 months, and the term of each subsequent license period is 24 months.

SPECIALTY LICENSE REQUIREMENTS

Business Broker Permits

A business broker permit expires on the same date as the holder's license expires. A permit may be renewed at the time that a licensee applies to renew his or her license. A permit renewal applicant must:

- if the license was last renewed before July 1, 2015, submit documentation that he or she has successfully completed six hours of instruction in engaging in the business of a business broker, with three of those hours completed within the two years immediately preceding the date of the request for renewal of the permit;
- if the license was last renewed on or after July 1, 2015, submit documentation that he or she has successfully completed three hours of instruction in engaging in the business of a business broker;
- comply with any other permit renewal requirements established by the Commission; and

- pay the required fees.

Property Manager Permits

A property manager's permit expires, and may be renewed, at the same time as the holder's real estate license. A renewal applicant must:

- if the license was last renewed before July 1, 2015, submit documentation that he or she has successfully completed six hours of instruction in property management, with three of those hours completed within the two years immediately preceding the date of the request for renewal of the permit;
- if the license was last renewed on or after July 1, 2015, submit documentation that he or she has successfully completed three hours of instruction in property management;
- comply with any other permit renewal requirements established by the Commission; and
- pay the required fees.

Statutory section 645.600 amended 1963; § 645.785 amended 2013; § 645.843 amended 1985; § 645.575 amended 2019; §§ 645.6052 and 645.863 amended 2007; §§ 645.490, 645.830, 645.780 amended 2015; regulation 645.412 adopted 1989; rr. 645.445, .448, .802, .915 amended 2018; r. 645.021 adopted 2004; rr. 645.315, 645.325, and 645.443 amended 2004; r. 645.467 amended 2006; rr. 645.450 and 645.455 amended 2016.

[Nev. Rev. Stat. §§ 645.490, .575](#) (as amended by [2019 Nev. Laws ch. 440 \(S.B. 230\)](#)), [.600](#), [.6052](#), [.780](#), [.785](#), [.830](#), [.843](#), [.863 \(2017\)](#); [Nev. Admin. Code §§ 645.021, .315, .325, .412, .443, .445, .448, .450, .455, .467, .802, .915 \(2017\)](#); [Regulations effective Feb. 27, 2018](#)

Nevada, Licensing Categories

BROKER

A "broker" is a person who, for another and for compensation,

- "[s]ells, exchanges, options, purchases, rents or leases, or negotiates or offers, attempts or agrees to negotiate the sale, exchange, option, purchase, rental or lease of, or lists or solicits prospective purchasers, lessees or renters of, any real estate or the improvements thereon or any modular homes, used manufactured homes, used mobile homes or other housing offered or conveyed" with a real estate interest;
- "[e]ngages in or offers to engage in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee in connection with any employment undertaken to promote the sale or lease of business opportunities or real estate by advance fee listing advertising or other offerings to sell, lease, exchange or rent property";
- engages in or offers to engage in the property-management business;
- engages in or offers to engage in the business-brokerage business; or
- "aids, assists, solicits or negotiates the procurement, sale, purchase, rental or lease of public lands."

The term does not include a person a licensed broker employs to accept reservations on behalf of a person in the business of the renting lodging for 31 days or less, provided the employee does not perform any tasks related to selling or transferring a real estate interest.

BROKER-SALESMAN

A "real estate broker-salesman" is a "person who holds a real estate broker's license, or who has passed the real estate broker's examination, but who, as an employee or as an independent contractor" is associated with:

- a licensed broker in the capacity of a salesman, to do or to deal in any act or transaction included in the "broker" definition above; or

- a "registered owner-developer in the capacity of a sales manager."

SALESMAN

A "real estate salesman" is a "person who, as an employee or as an independent contractor, is associated with a licensed real estate broker or registered owner-developer to do or to deal in any act, acts or transactions" included in the "broker" definition. A person licensed as a real estate salesman may use the term "real estate salesman," "real estate saleswoman" or "real estate salesperson" when doing business.

SPECIALIST CATEGORIES

Business broker

A "business broker" is a person who, for another and for compensation,

- "[s]ells, exchanges, options, purchases, rents or leases a business that is sold, exchanged, optioned, purchased, rented or leased as part of an interest or estate in real property";
- "[n]egotiates or offers, attempts or agrees to negotiate the sale, exchange, option, purchase, rental or lease of a business that is intended to be sold, exchanged, optioned, purchased, rented or leased as part of an interest or estate in real property";
- lists or solicits prospective purchasers of a business when a component of the listing or solicitation is an interest or estate in real property.

Property manager

A "property manager" is "a person engaged in property management who, as an employee or independent contractor, is associated with a licensed real estate broker, whether or not for compensation."

Owner-developer

An "owner-developer" is a person who "owns five or more lots within a recorded subdivision, shown on an approved parcel map, or the parceling of which has been approved by the county, on each of which there is a single-family residence not previously sold."

Exchange facilitator

An "exchange facilitator" is a person who, for compensation, acts as:

- a "qualified intermediary" (as defined in 26 C.F.R. § 1.1031(k)-1(g)(4)) for a client whose relinquished property is in Nevada; or
- an "exchange accommodation titleholder, as that term is defined in Rev. Proc. 2000-37, who holds title to property" in Nevada.

It includes a person who maintains an office in Nevada to solicit business as an exchange facilitator or who advertises himself as "prepared to facilitate a tax-deferred exchange of property" in Nevada by acting as custodian of money or other property.

The term does not include:

- a taxpayer or disqualified person seeking to qualify for nonrecognition;
- a financial institution acting "solely as a depository for funds used in a tax-deferred exchange of property";
- a person who advertises and teaches seminars or classes or gives presentations to certain professionals regarding tax-deferred exchanges or training the professionals to act as exchange facilitators; or
- a "qualified intermediary, as defined in 26 C.F.R. § 1.1031(k)-1(g)(4), who holds exchange funds received from the disposition of relinquished property" located outside Nevada.

See Nev. Rev. Stat. § 645G.100 for other exceptions.

Statutory section 645.018 amended 1979; § 645.040 amended 1985; § 645.0195 enacted 1997; § 645.044 enacted 1999; §§ 645.030, .035, .230 amended 2005; § 645.0075 amended 2013; § 645G.100 amended 2007.

[Nev. Rev. Stat. §§ 645.0075, .018, .0195, .030, .035, .040, .044, .230, 645G.100 \(2017\)](#)

Nevada, Licensing Exemptions

Nevada's real estate licensing laws do not apply to the following:

- a property owner or lessor, or his or her regular employee, who performs a real estate act (as mentioned in §§ 645.030, .040, .230 and .260), with respect to his or her property "in the regular course of or as an incident to" managing or investing in the property;
- a broker's employee collecting rent for or on behalf of the broker;
- a person performing property-manager duties, provided he or she maintains an office on the property and does not engage in property management for any other property;
- a person performing property-manager duties for a common-interest community, a condominium hotel association (effective January 1, 2008), a condominium project, a time share, or a planned unit development, if "the person is a member in good standing of, and, if applicable, holds a current certificate, registration or other similar form of recognition from, a nationally recognized organization or association for persons managing such properties that" the Division has approved; or
- a person performing property-manager duties for property used for subsidized residential housing.

Section 645.0445(2) includes the following list of exclusions:

- a "bank, thrift company, credit union, trust company, savings and loan association or any mortgage or [licensed] farm loan association . . . , with reference to property it has acquired for development, for the convenient transaction of its business, or as a result of foreclosure of property encumbered in good faith as security for a loan or other obligation";
- a corporation that, "through its regular officers who receive no special compensation for it, performs any of those acts with reference to" the corporation's property;
- an attorney-at-law performing his or her duties as an attorney;
- a receiver, bankruptcy trustee, administrator or executor;
- a person doing any of the real estate acts specified in § 645.030 under a court's jurisdiction;
- a trustee under a trust agreement, deed of trust or will, or his or her regular salaried employees;
- a person purchasing, selling or locating mining claims; or
- the state of Nevada or its political subdivision.

Amended 2009.

[Nev. Rev. Stat. § 645.0445 \(2017\)](#)

Nevada, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A broker's or broker-salesman's license applicant must successfully complete 45 semester units (or its equivalent in quarter units) of college-level courses, including:

- three semester units in real estate law, including at least 18 hours on Nevada real estate law;
- nine semester units of college-level courses in real estate appraisal and business or economics;
- nine semester units of college-level courses in real estate, business or economics; and
- three semester units in broker management.

Effective for applicants who submit applications on or after January 1, 2020, a broker's or broker-salesman's license applicant must successfully complete:

- three semester units, or an equivalent number of quarter units, in real estate law, including at least 18 hours on Nevada real estate law;
- three semester units, or an equivalent number of quarter units, in the principles of real estate;
- nine semester units, or an equivalent number of quarter units, of college-level courses in real estate appraisal and business or economics;
- nine semester units, or an equivalent number of quarter units, of college-level courses in real estate, business or economics;

- three semester, or an equivalent number of quarter units, units in broker management;
- not less than one semester unit, or an equivalent number of quarter units, in the preparation of contracts in real estate transactions to the extent allowed in the capacity of the licensee; and
- not less than one semester unit, or an equivalent number of quarter units, on agency.

In addition to above requirements, a broker's or broker-salesman's applicant must complete 64 semester units (or the quarter-unit equivalent) of college level courses, which are defined as "courses offered by any accredited college or university or by any other institution which meet the standards of education established by the Commission."

The applicant must submit a certificate from an accredited educational institution or an approved institution as proof that he or she successfully completed the required courses. If the applicant completed any of the courses at a university or community college, he or she must have the college or university provide the [Real Estate Division](#) with a transcript.

The Division must approve a broker management course to fulfill that three-unit educational requirement. See r. 645.437(2) for the required content of the broker-management course.

First-year educational requirements

A licensee who, at the time of the issuance of his or her current license, has not held a license as a real estate broker, real estate broker-salesperson or real estate salesperson issued by Nevada within the immediately preceding five years must complete a prescribed course of postlicensing education that focuses on practical applications of real estate transactions. The course must be presented in live instruction in which the licensee and instructor are in the same room, except that first-time licensees who live in a rural area may, with the Division's prior written approval, take the postlicensing course "by a method of delivery of distance education that involves interaction with the instructor and other students if such method of delivery is available at the time of the request" "Rural area" is any area which is more than 100 miles from a Nevada city with a population of 40,000 or more.

Service in "lower" category

Except as otherwise provided, a broker's license applicant must have been actively engaged as a full-time licensed real estate broker-salesman or salesman in Nevada, or as a full-time licensed real

estate broker, broker-salesman or salesman in another jurisdiction, for at least two of the four years immediately before the issuance of his or her broker's license. This "active experience" means experience gained while engaged in real estate activities for at least "30 hours a week during at least 48 weeks of any 12-month period." An applicant must provide proof of active experience as a real estate salesman on a form provided by the Division that is attested by the applicant's broker.

The Division requires a verified statement from an employing broker, or a real estate broker-salesperson who is acting as manager of a principal or branch office, indicating "extended experience of any licensee associated with the broker or broker-salesperson in order to determine the extent of experience the licensee has gained while associated with the broker. or broker salesperson" The information must be reported on a Division-provided form, which must include the following information:

- the "period of association with the broker or broker-salesperson";
- the average number of hours worked per week; and
- any other information concerning the licensee's activities that contributes towards his or her experience while associated with the broker. or broker salesperson

Waiver of qualifications for some professionals

The Division may issue a broker's or broker-salesman's license to a person who holds a broker, a broker-salesman or an equivalent license in good standing from another jurisdiction, if that jurisdiction has entered into a reciprocal agreement with the Commission.

A person who holds a license as a broker, broker-salesman or salesman issued by another jurisdiction may receive credit "for the equivalent of 16 semester units of college level courses for each 2 years of active experience that, during the immediately preceding 10 years, he has obtained while he has held such a license, not to exceed 8 years of active experience." This credit may not be applied against the broker-management course requirement or the 18 classroom hours on Nevada real estate law. The licensee may not receive any substitution for a period that is less than two years.

Annual fees and filings

For existing licenses issued before July 1, 2015, licenses do not need to be renewed until the expiration date on the license. On and after July 1, 2015, the initial license period is 12 consecutive months beginning on the first day of the first month after the original license is issued. Thereafter,

each subsequent license period is 24 months following the first renewal period. A real estate license expires at midnight on the last day of the last month of the applicable license period.

The Division may:

- maintain a secure website on the Internet through which a person may renew his or her license, permit, certificate or registration issued pursuant to chapter 645; and
- charge a fee for each license, permit, certificate or registration renewed through the use of the website.

If a licensee fails to renew his or her license before its expiration date, the Commission may not issue a license except upon another application for an original license, except that during the first year after the expiration, the Commission may issue a renewal if the licensee pays a fee equal to one and one-half times the amount otherwise required for renewal.

Upon application for or renewal of a real estate license, every licensee must pay in addition to the original or renewal fee, a fee for the Real Estate Education, Research and Recovery Fund.

The fees that apply to a broker's license renewal are as follows:

- for the Real Estate Education, Research and Recovery Fund, a fee of \$40 to be paid upon renewal application;
- for each renewal of a broker's or a broker-salesman's license, a fee of \$180; and
- for each penalty for a late filing of a renewal for a broker's or a broker-salesman's license, a fee of \$95.

If a licensee fails to file a renewal application before his or her license expires, he or she must have his license reinstated by:

- applying on the appropriate form;

- paying the required fees;
- if required, passing the examination; and
- submitting any other information required by the Administrator, including current fingerprint cards.

A licensee who is in good standing and whose license is on inactive renewed status may apply to have his or her license reinstated to active status by submitting an application that:

- is on the Division-supplied form;
- is accompanied by the required fees;
- contains evidence that the licensee has paid the required Real Estate Education, Research and Recovery Fund fee;
- if for reinstatement of a broker's license, is accompanied by a completed financial statement prepared on the Division-prescribed form;
- includes evidence that the licensee has met the continuing education requirements; and
- includes any other information required by the Administrator, including current fingerprint cards.

However, if a license has been inactive for more than two years, the licensee must also show that he or she is competent to engage in the real estate business and must obtain a score of at least 75 percent on the examination.

See r. 645.445 for additional general requirements that apply to the renewal or reinstatement of a license and r. 645.448 for additional specific educational requirements that apply to a licensee who wishes to reinstate an inactive license.

Applicant investigation

A real estate license applicant must, as part of his or her application and at his or her own expense, arrange to have his or her fingerprints taken by a law enforcement agency or other authorized entity and submit them to the Division:

- the fingerprint card and written permission authorizing the Division to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the F.B.I. for a background report; or
- written verification, on the Division-prescribed form, stating that the applicant's fingerprints were taken and forwarded directly to the Central Repository and that the applicant gave written permission to the law enforcement agency to submit the fingerprints to the Central Repository for submission to the F.B.I. for a background report.

An applicant must also provide proof of having a "good reputation for honesty, trustworthiness and integrity." The Division may deny a license to a person who has been convicted of, or entered a plea of guilty, nolo contendere, or guilty but mentally ill, to the following:

- forgery;
- embezzlement;
- obtaining money under false pretenses;
- larceny;
- extortion;

- conspiracy to defraud;
- engaging in real estate business without a license;
- possessing a controlled substance for sale; or
- a crime involving moral turpitude.

The Division may not issue a license to such an applicant until at least three years after the later of the date:

- the person pays a court-ordered fine or restitution; or
- the person's parole, probation or sentence period expires.

Suspension or revocation of a license in Nevada or a prior revocation or current suspension in any jurisdiction is also grounds for refusing to grant a license.

An application must include whether the applicant has been:

- convicted of or is under indictment for a felony or has entered a plea of guilty, nolo contendere, or guilty but mentally ill, to a felony and, if so, the felony's nature;
- convicted of or entered a plea of nolo contendere to one of the crimes listed above; or
- refused a real estate license or had his license revoked or suspended by any other jurisdiction.

In addition to the required information, an application must contain all other information that the Division may require, including other proof that the Division may require "with due regard to the paramount interests of the public as to the honesty, truthfulness, integrity and competency of the applicant."

The Division may investigate a broker's license applicant's financial responsibility. If the Division determines the applicant is not financially responsible, it may require the applicant to be licensed as a real estate broker-salesman until he or she meets the Commission's financial responsibility requirements. The Division may require a broker's license applicant to submit a credit report dated within 30 days immediately preceding the application date.

Examinations

A real estate license applicant must pass the appropriate examination. The examination must test whether "the applicant has an appropriate knowledge and understanding of those subjects which commonly and customarily apply to the real estate business." The Division may accept successful completion of the uniform portion of a national real estate examination in partial satisfaction of the Nevada examination requirements.

The Division will only accept the results of an examination for 12 months after the date the examination results were issued.

A broker's license applicant may take the written examination before he or she has complied with the experience requirements, but, upon passing the examination, the Division will provide that applicant with a broker-salesman's license until he or she satisfies the experience requirements.

The examination fee is \$100.

The salesman's license examination may differ from the broker's license examination. Each examination must cover real estate principles, practices, procedures and ethics, as described in more detail in r. 645.210.

To pass an examination, an applicant must obtain a grade of at least 75 percent on each section.

Other prerequisites

Generally, a broker's license applicant must:

- prove he or she has a "good reputation for honesty, trustworthiness and integrity";

- not have made a false statement on his or her application;
- be competent to transact the business of a real estate licensee;
- have passed the examination;
- have submitted all information required by the application;
- submit proof that he or she has satisfied the educational requirements;
- submit proof that he or she has satisfied the experience requirements; and
- provide the required financial information.

A real estate license applicant must submit his or her application to the Division in writing on forms prepared or furnished by the Division.

Nevada statutes also provide that nothing contained in chapter 645 affects "the power of cities and towns to tax, license and regulate real estate brokers or real estate salesmen."

Recent statutes address the applicant's submission of certain information regarding child support. However, the effective date of the statutes depends on the "date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings." Pursuant to that provision, a real estate license applicant generally must:

- include his or her social security number on the application; and
- submit the statement prescribed by the Division of Welfare and Supportive Services pursuant to § 425.520.

The Division may refuse to issue or renew a license to a person who is subject to a court order for child support and is not in compliance with the order.

The fee:

- for each original real estate broker's, broker-salesman's or corporate broker's license is \$105; and
- for the Real Estate Education, Research and Recovery is \$40 to be paid at the time an original license application.

See r. 645.120 for details regarding the financial information that a broker's license applicant must include with his or her application.

Corporate licensees

If the applicant is a partnership or an association applying to do business as a broker, the application must contain each members' name and address. If the application is for a corporation applying to do business as a real estate licensee, the application must include each officers' and directors' name and address. If the applicant is a limited-liability company ("LLC") applying to do business as a broker, the company's articles of organization must designate a manager, and the application must include the manager's and each members' name and address.

For an LLC, partnership or association applying to do business as a broker, at least two members of the entity must verify its license application. If a corporation is applying to do business as a broker, the corporation's president and secretary must verify the application.

An entity applying for a broker's license must designate the following to submit the entity's application:

- for an LLC, its manager;
- for a partnership, one of its members; and

- for a corporation, one of its officers.

Upon that manager, member or officer successfully passing the examination and the entity and designated person complying with all other requirements, the Division will issue a broker's license to the manager, member or officer on behalf of the entity.

Each member or officer of an entity who will perform real estate acts, other than the designated manager, member or officer, must obtain a separate broker's license.

See § 645.387 for specific provisions that apply to the issuance of a broker-salesman's or salesman's license to the sole shareholder of a corporation on behalf of corporation or to the manager of a LLC on behalf of the company.

A license application for a partnership, LLC or corporation must include a certified or verified copy of the partnership agreement, articles of organization or articles of incorporation, as appropriate.

BROKER-SALESMAN QUALIFICATIONS

Generally, a broker-salesman must have the same qualifications as a broker. See "BROKER QUALIFICATIONS" above. However, an applicant for a license as a broker-salesman or salesman must provide a verified statement from the broker with whom he or she will be associated, indicating that that broker intends:

- to associate the applicant with him or her; and
- to be responsible for the applicant's activities as a licensee.

SALESMAN QUALIFICATIONS

Education

A salesman's license applicant must successfully complete a "course of instruction in the principles, practices, procedures, law and ethics of real estate." The course may be an extension or correspondence course offered by the Nevada System of Higher Education, by an accredited college or university or by an approved college or school. The course must include the topic of disclosure of required information in real estate transactions, including the methods a seller may use to obtain information. The course in real estate principles, practices, procedures, law and ethics must consist of at least 90 hours of classroom lectures or the equivalent in a correspondence or extension course. Effective January 1, 2020, the course must consist of a minimum of 120 hours.

The course must consist of at least:

- 45 hours on real estate principles and practices, which must include 21 hours on brokerage and laws of agency, 12 hours on valuation and economics and 12 hours on finance; and
- 45 hours on property law, licensee regulation and the ethics of selling real estate, which must include 25 hours on property ownership, transfer and use; 18 hours on specified Nevada laws and regulations; and two hours on "applied practice and statutory disclosures."

Effective for applicants who submit applications on or after January 1, 2020, the course must include:

- the subject of disclosure of required information in real estate transactions, including methods a seller may use to obtain requested information;
- not less than 15 hours of instruction in the preparation of contracts in real estate transactions; and
- not less than 15 hours on agency.

First-year educational requirements

A salesman who wishes to renew a license upon the first renewal of an original license must complete 24 hours of continuing education which fulfill the requirements of the two-year period set forth in Nev. Admin. Code § 645.448(1), with not less than 50% of the total hours taken in live instruction in which the licensee and instructor are in the same room. First-year licensees who live in a rural area may, with the Division's prior written approval, take the postlicensing course "as an interactive or televideo course that involves interaction with the instructor and other students."

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

A salesman's license applicant is generally not required to pass the uniform portion of a national real estate examination if:

- he or she holds a license in good standing as a real estate broker, broker-salesman or salesman issued by another jurisdiction;
- the requirements for licensure as a salesman in that jurisdiction are "substantially equivalent" to Nevada's requirements; and
- the applicant has passed the examination in that jurisdiction.

A person who holds a license as a broker, broker-salesman or salesman issued by another jurisdiction may receive credit "for the equivalent of 16 semester units of college level courses for each 2 years of active experience that, during the immediately preceding 10 years, he has obtained while he has held such a license, not to exceed 8 years of active experience." This credit may not be applied against the broker-management course requirement or the 18 classroom hours on Nevada real estate law. The licensee may not receive any substitution for a period that is less than two years.

Annual fees and filings

All real estate licensees are subject to the same annual filing requirements (see "BROKER QUALIFICATIONS" above), except that the renewal fees for a salesman's license are as follows:

- for the Real Estate Education, Research and Recovery Fund, a fee of \$40 to be paid at the time of filing a renewal application;
- for each renewal of a salesman's license, a fee of \$140; and

- for each late filing penalty for renewing a salesman's license, a fee of \$75.

Applicant investigation

A real estate license applicant must, as part of his or her application and at his or her own expense, arrange to have his or her fingerprints taken by a law enforcement agency or other authorized entity and submit them to the Division:

- the fingerprint card and written permission authorizing the Division to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the F.B.I. for a background report; or
- written verification, on the Division-prescribed form, stating that the applicant's fingerprints were taken and forwarded directly to the Central Repository and that the applicant gave written permission to the law enforcement agency to submit the fingerprints to the Central Repository for submission to the F.B.I. for a background report.

An applicant must also provide proof of having a "good reputation for honesty, trustworthiness and integrity." The Division may deny a license to a person who has been convicted of, or entered a plea of guilty, nolo contendere, or guilty but mentally ill, to the following:

- forgery;
- embezzlement;
- obtaining money under false pretenses;
- larceny;
- extortion;

- conspiracy to defraud;
- engaging in real estate business without a license;
- possessing a controlled substance for sale; or
- a crime involving moral turpitude.

The Division may not issue a license to such an applicant until at least three years after the later of the date:

- the person pays a court-ordered fine or restitution; or
- the person's parole, probation or sentence period expires.

Suspension or revocation of a license in Nevada or a prior revocation or current suspension in any jurisdiction is also grounds for refusing to grant a license.

An application must include whether the applicant has been:

- convicted of or is under indictment for a felony or has entered a plea of guilty, nolo contendere, or guilty but mentally ill, to a felony and, if so, the nature of the felony;
- convicted of or entered a plea of nolo contendere to one of the crimes listed above; or
- refused a real estate license or had his license revoked or suspended by any other jurisdiction.

In addition to the required information, an application must contain all other information that the Division may require, including other proof that the Division may require "with due regard to the paramount interests of the public as to the honesty, truthfulness, integrity and competency of the applicant."

Examinations

A real estate license applicant must pass the appropriate examination. The examination must test whether "the applicant has an appropriate knowledge and understanding of those subjects which commonly and customarily apply to the real estate business." The Division may accept successful completion of the uniform portion of a national real estate examination in partial satisfaction of the Nevada examination requirements.

The examination fee is \$100.

The salesman's license examination may differ from the broker's license examination. Each examination must cover real estate principles, practices, procedures and ethics, which are described in more detail in r. 645.210.

To pass an examination, an applicant must obtain a grade of at least 75 percent on each examination section.

Other prerequisites

A real estate license applicant must submit his or her application to the Division in writing on forms prepared or furnished by the Division.

Nevada statutes provide that nothing contained in chapter 645 affects "the power of cities and towns to tax, license and regulate real estate brokers or real estate salesmen."

Recent statutes address the applicant's submission of certain information regarding child support. However, the effective date of the statutes depends on the "date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings." Pursuant to that provision, a real estate license applicant generally must:

- include his or her social security number on the application; and
- submit the statement prescribed by the Division of Welfare and Supportive Services pursuant to § 425.520.

The Division may refuse to issue or renew a license to a person who is subject to a court order for child support and is not in compliance with the order.

A salesman's license applicant must be at least 18 years of age, and his or her application must include the following:

- a fingerprint card;
- proof that he or she has satisfied the educational requirements;
- the child support statement;
- proof that he or she passed the licensing examination;
- the required verified statement;
- any other required information, including "proof of honesty, truthfulness and good reputation"; and
- the required fees.

The fee:

- for each original salesman's license is \$85; and
- for the Real Estate Education, Research and Recovery Fund is \$40.

SPECIALIST QUALIFICATIONS

Business Broker Permits

General requirements

A person who is licensed as a real estate broker, broker-salesman or salesman may apply to the Division for a permit to engage in business as a business broker.

Education

A business broker applicant must successfully complete at least 24 hours of classroom instruction related to business brokerage. The 24 hours must include:

- eight hours related to financial statements;
- six hours related to valuing a business;
- six hours related to "purchase offer and sale considerations"; and
- four hours related to business brokerage and professional practices.

The Division may accept a business brokerage course from a nationally recognized or accredited organization "if the successful completion of that course would qualify the applicant to engage in business as a business broker pursuant to the requirements of that organization."

Service in "lower" category

No specifically applicable provisions were located.

Waiver of qualifications for some professionals

No specifically applicable provisions were located.

Annual fees and filings

A business broker permit expires on the same date as the date the holder's license expires. The broker may renew his or her permit at the time the licensee applies to renew his or her license.

A renewal applicant must:

- prove that he or she has successfully completed at least three hours of continuing education in an approved educational course, seminar or conference related to business brokerage;
- comply with any other renewal requirements established by the Commission;
- submit a request to renew the permit with his or her license renewal application; and
- a renewal fee.

Applicant investigation

A business broker's permit applicant must pay a fee determined by the Division for the costs of investigating the applicant's background. Each applicant must, as part of his or her application, and at his or her own expense, have a set of his fingerprints taken by a law enforcement agency or other authorized entity and submit to the Division:

- the fingerprint card and written permission authorizing the Division to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the F.B.I. for a background report; or
- written verification, on a Division-prescribed form, stating that the applicant's fingerprints were taken and directly forwarded to the Central Repository and that the applicant gave

written permission to submit the fingerprints to the Central Repository for submission to the F.B.I. for a background report.

Examinations

A business broker's permit applicant must pass an examination with a score of at least 75 percent. The examination must include the subject matter presented in the required instruction and consist of at least 50 multiple-choice questions.

Other prerequisites

A licensee who wishes to obtain a business broker's permit must pass the required examination and submit:

- a completed application form;
- a fee of \$40;
- a fee of \$75 for the examination; and
- a certificate of completion, indicating that the applicant successfully completed the required business-brokerage instruction.

Property Management Permits

General requirements

A person who is licensed as a real estate broker, broker-salesman or salesman may apply for a permit to engage in property management.

Education

A property management permit applicant must successfully complete at least 24 classroom hours of instruction in property management. These 24 hours must include:

- four hours related to management-service contracts, leases, rental applications, the Fair Credit Reporting Act and the Fair Debt Collection Practices Act;
- two hours related to money deposited in trust accounts and reporting requirements;
- one hour related to using a computerized bookkeeping system;
- two hours related Nevada laws governing property management;
- two hours related to the disclosure of required information in real estate transactions;
- five hours of instruction relating to certain specified housing and discrimination laws;
- three hours related to common-interest communities;
- one hour related to a real estate broker's duties and responsibilities;
- two hours related to risk management; and
- two hours related to managing commercial property.

The Division may "accept a course in property management from a nationally recognized or accredited organization to fulfill" some of the requirements, if successful completion of that course would qualify the applicant to engage in property management pursuant to that organization's requirements.

Service in "lower" category

No specifically applicable provisions were located.

Waiver of qualifications for some professionals

No specifically applicable provisions were located.

Annual fees and filings

A property management permit expires, and may be renewed, at the same time as the holder's license expires. A permit-renewal applicant must:

- prove that he or she has successfully completed at least three of the continuing education hours required to renew his or her license in an approved educational course, seminar or conference concerning property management;
- comply with all other requirements established by the Commission;
- submit a request for permit renewal with his or her real estate license renewal application; and
- submit a renewal fee of \$40.

The continuing education hours must include:

- instruction relating to any state amendments governing property management; and
- if the permit holder manages a common-interest community, three hours of instruction related to Nevada laws that apply to the responsibilities and duties involved in managing a common-interest community.

Applicant investigation

No specifically applicable provisions were located. However, the Commission may adopt regulations to establish fees to pay the costs of investigating an applicant's background.

Examinations

The Commission interprets "successfully completed" to include passing, with a score of at least 75 percent, an examination that includes the subject matter presented in the required instruction and that consists of at least 50 multiple-choice questions. The examination fee is \$75.

Other prerequisites

A property management permit applicant must submit:

- a completed application form;
- a fee of \$40; and
- a certificate of completion indicating successful completion of the required property-management instruction.

Owner-developer registration

General requirements

An owner-developer must obtain a registration for each recorded subdivision that he or she intends to sell. However, Nevada law also contains some provisions that apply to the developer, rather than solely the development.

Education

The Commission may not establish any educational qualifications or require the examination of an owner-developer.

Service in "lower" category

For an owner-developer to qualify as a sales manager, a licensed broker-salesman must have at least two years' experience during the immediately preceding four years, as a broker-salesman or a salesman.

Waiver of qualifications for some professionals

No specifically relevant provisions were located.

Annual fees and filings

An owner-developer registration is effective for one year. An owner-developer may renew his or her registration by:

- paying the required fee; and
- submitting the appropriate form.

There is no limit on the number of annual renewals, but a registrant must keep his or her registration in force by annual renewal.

The fee for each annual renewal of an owner-developer registration is \$125.

Applicant investigation

The Commission must provide "appropriate standards of good moral character and financial stability."

An application for an original registration as an owner-developer must be accompanied by fingerprint cards.

Examinations

The Commission may not require an examination of an owner-developer.

Other prerequisites

An application for original registration as an owner-developer must be on the form provided by the Division and must include:

- the "limits of the area within which the applicant owns the residences proposed to be sold";
- the applicant's principal place of business; and
- any additional information required by regulation.

The fee for each original, and renewal, registration of an owner-developer is \$125.

An applicant must also provide:

- a statement of any arrests, convictions or proceedings against him by governmental agencies;
- a brief business history;
- the legal description of the property to be covered by the registration;
- the sales offices' locations;
- a statement of the applicant's financial condition; and
- a history of any bankruptcies.

See r. 645.710 for additional detailed provisions that relate to an owner-developer's registration application.

Qualified Intermediary Registrant (Exchange Facilitator Licensee)

General requirements

A person may not act as an exchange facilitator without obtaining a license.

Education

No specifically applicable provisions were located.

Service in "lower" category

No specifically applicable provisions were located.

Waiver of qualifications for some professionals

A person who is licensed as an exchange facilitator in another jurisdiction and who is not otherwise required to be licensed pursuant to Nevada law may apply for a reciprocal license as an exchange facilitator. The Division may issue the applicant a reciprocal license if:

- the applicant is licensed in a jurisdiction that grants reciprocal licensing to a Nevada exchange facilitator licensee;
- the other jurisdiction's laws and regulations governing exchange facilitators are "at least equivalent to" Nevada's requirements;
- the applicant proves that he or she has complied with the requirements §§ 645.608 and 645G.320;
- the applicant pays the required fee;
- the applicant designates the Division as its representative to receive service of process in Nevada; and

- the applicant does not maintain an office in Nevada used in connection with exchange-facilitator business.

Annual fees and filings

An exchange facilitator licensee must renew his or her license annually on or before July 1, by providing the information required by the Division and paying a renewal fee. If an exchange facilitator licensee fails to apply for a license renewal before the license expires, he or she must submit another application for an original license, except that within one year of the license's expiration, the Commission may issue a renewal license if the applicant pays a fee equal to one and one-half times the amount otherwise required for renewal. The annual license renewal fee is "at least \$200."

Applicant investigation

An applicant for an exchange facilitator's license must, at his or her own expense, arrange to have taken a complete set of the applicant's fingerprints and the fingerprints of each person or officer who conducts the applicant's business in Nevada and who has authority to transfer exchange money. The applicant must submit to the Division:

- the fingerprint card and written permission authorizing the Division to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the F.B.I. for background reports on each person whose fingerprints were taken; or
- written verification that the fingerprints were taken and directly forwarded to the Central Repository and that those persons have given written permission to the law enforcement agency to submit the fingerprints to the Central Repository for submission to the F.B.I. for background reports.

Examinations

No specifically relevant provisions were located.

Other prerequisites

An exchange facilitator applicant must submit to the Division:

- the information required by the Division-provided application form;

- the child support information set forth in the currently effective version of § 645.6068, which depends of "the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings"; and
- the appropriate fees.

If the exchange facilitator is a corporation qualified to do business in Nevada, every designated officer, director and exchange facilitator officer who does business in Nevada must be licensed. No other employee is required to be licensed. If the exchange facilitator is not a natural person or a publicly traded company, each shareholder, member or other owner with 10 percent or more of the ownership interest must be licensed.

Except as otherwise provided, an exchange facilitator must:

- maintain fidelity bonds in a total amount of at least \$1,000,000 executed by a Division-approved insurer authorized to do business in Nevada; or
- deposit with the Division under "terms and conditions as the Division may prescribe, a like amount of lawful money . . . or any other form of security."

The fee:

- for filing and investigating a license application may not exceed \$1000 plus any additional expenses incurred in the investigation process; and
- for issuing the license must be at least \$200.

A licensee generally must maintain an insurance policy covering liability for errors and omissions in an amount not less than \$250,000 executed by a Division-approved insurer authorized to do

business in Nevada.

Section 645.250 enacted 1943; §§ 645.285 and 645.287 enacted 1975; §§ 645.400 and 645.460 amended 1981; § 645.843 amended 1985; §§ 645.410 and 645.475 amended 1995; §§ 645.370, 645.380, 645.385 and 645.387 amended 1997; § 645.6054 enacted 1997; § 645.6055 enacted 2003; §§ 645.283, 645.355, 645.358 amended 2005; § 645.343 amended 2019; §§ 645.490, 645.780, 645.830 amended 2015; §§ 645.289, 645.332, 645.865 and 645.867 enacted 2005; chapter 517 adopted 2007; § 645.785 amended 2013; §§ 645.330, 645.350, 645.575, 645.6052, 645.6065, 645.6068, 645.607, 645.608, and 645.863 amended 2007; §§ 645G.100, 645G.110, 645G.120, 645G.220 amended 2007; regulation 645.700 adopted 1975; rr. 645.141 and 645.740 adopted 1981; r. 645.140 amended 1984; rr. 645.007 and 645.210 amended 2000; rr. 645.100 and 645.101 adopted 2001; r. 645.120 amended 2010; r. 645.046 adopted 2004; rr. 645.115, 645.207, 645.220, 645.315, 645.325, 645.435, 645.437, 645.710, and 645.740 amended 2004; r. 645.913 adopted 2006; r. 645.150 repealed 2013; rr. 645.141 and 645.437 amended 2016; rr. 645.102, .4442, .445, .800, .802, .915 amended 2018; regulation 645.120 repealed 2018.

[Nev. Rev. Stat. §§ 645.250, .283, .285, .287, .289, .330, .332, .343](#) (as amended by [2019 Nev. Laws ch. 440 \(S.B. 230\)](#)), [.350, .355, .358, .370, .380, .385, .387, .400, .410, .460, .475, .490, .575, .780, .785, .830, .843, .863, .865, .867; .6052, .6054; .6055, 645G.100, .110, .120, .220, .320 \(2017\)](#); [Nev. Admin. Code §§ 645.007, .046, .100, .101, .102, .115, .140, .141, .207, .210, .220, .315, .325, .435, .437, .4442, .445, .700, .710, .800, .802, .913, .915 \(2017\)](#); **[Regulations effective Feb. 27, 2018](#)**

New Hampshire

New Hampshire, Continuing Education Approval

PROVIDER

General requirements

An individual, institution or organization that seeks accreditation (or renewal of accreditation) to offer a continuing education program must meet the criteria and submit the documentation required by the New Hampshire Real Estate Commission ("Commission") before receiving approval.

An individual or firm applying for accreditation to teach a real estate course must submit documents substantiating the applicant's qualifications to instruct the course, and apply for re-accreditation within two years from the date of original accreditation or re-accreditation.

Approval applications

An individual or corporation applying for accreditation to teach a real estate course must submit documents substantiating the applicant's qualifications to instruct the course.

Distance learning course approval

No specifically relevant provisions were located. However, distance education courses are permitted for some prelicensing courses. (See "Licensing Prerequisites" for provisions related to distance education courses in a prelicensing course of study.)

Advertising

Any individual, institution, or organization offering a continuing education program who commits any of the following acts, conduct, or practices may be subject to disciplinary action:

- advertising the availability of accredited courses in a false, misleading, or deceptive manner:
or
- failing to include in any advertisement the individual, institution, or organization's legal name or reasonable derivative thereof accredited to teach the course.

Student records

No relevant provisions were located.

Certificates of completion

A school or individual seeking accreditation must submit to the Commission its certificate of completion, among other things.

Other submissions

An accredited individual or corporation must apply for re-accreditation within two years from the date of original accreditation or re-accreditation.

CONTENT

The continuing education three-hour core course must cover, but is not limited to:

- changes in state and federal laws regarding "real estate brokerage, housing, financing of real property and consumer protection"; and
- changes in "state enabling laws dealing with zoning and subdivision practices."

The course must be designated as a "core course" and designed to "assist the licensee in keeping abreast of changing laws, rules and practices" that may affect the licensee's clients' or customers' interests.

Elective courses must cover, but not be limited to:

- property valuation;
- valuation;
- construction;
- contract and agency law;
- ethics;
- financing and investment;
- land use and zoning;
- property management;

- taxation;
- environmental issues; and
- supervision and office management.

Elective courses must be designed to assist the licensee in keeping abreast of changing laws, rules, and practices which affect the licensee's clients' or customers' interests.

A school or individual seeking accreditation must submit to the Commission a course content outline, among other things.

MATERIALS

A school or individual seeking accreditation must submit to the Commission course materials, among other things.

INSTRUCTOR QUALIFICATIONS

An individual who seeks accreditation (or renewal of accreditation) to offer a continuing education program must meet the criteria and submit the documentation required by the Commission before it receives approval.

Qualifications for accreditation as an instructor in core continuing education courses are the following:

- three years ongoing experience as a broker in a New Hampshire real estate brokerage, or the equivalent, within three years of the application date;
- teaching experience qualifications or other qualifications found by the Commission to be equivalent to the following:
 - at least 72 hours of teaching, speaking, or presentation experience; or

- demonstration of teaching, speaking or presentation skills, such as a one hour unedited video or DVD recording that shows the individual teaching New Hampshire core course material; and
- demonstration of subject matter knowledge before the Commission as necessary to substantiate the qualifications or information submitted.

Applicants for accreditation as an elective continuing education instructor must demonstrate the following:

- experience or other qualifications found by the Commission to be equivalent to the following:
 - a degree from an accredited institution with a major related to the subject matter of the course within three years prior to the date of application;
 - a certification from an accredited institution related to the subject matter of the course within three years prior to the date of application; or
 - two years of on-going work experience or teaching experience that is related to the subject matter of the course or a combination of both within the previous three years of the date of application; and
- documentation of either:
 - at least 15 hours of teaching, speaking or presentation experience or other qualifications found by the Commission to be equivalent; or
 - teaching, speaking or presentation skills, such as a one hour unedited video or DVD recording showing the applicant teaching material on the subject matter of the course.

PRIOR APPROVAL REQUIREMENTS

Approval timing

No relevant provisions were located.

Approval after class date

No relevant provisions were located.

EXAMINATION

Examination requirements

No relevant provisions were located.

Proctors

No relevant provisions were located.

Statutory section amended 2014; regulation readopted and amended 2017.

[N.H. Rev. Stat. Ann. § 331-A:20 \(2019\); N.H. Code Admin. R. Rea 302.01 \(2019\)](#)

New Hampshire, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

If a license expires or lapses because a licensee is ordered to active duty in the armed forces,

- the six-month time period for complying with license renewal requirements begins on the licensee's date of discharge or release from active duty; and
- the late fee is waived.

Also, the Commission may renew a lapsed license "for good cause shown within a reasonable time not to exceed one year" from the expiration date.

Required hours

All active and inactive licensees must complete an accredited three-hour continuing education core course. All licensees with an active license, and those with inactive licenses who are applying to have their licenses placed on active status, must complete an additional twelve hours of accredited continuing education elective courses.

Minimum class length

No specifically relevant provisions were located. However, the required core program must be a minimum of three hours.

Subjects

The continuing education three-hour core course must cover, but is not limited to,

- changes in state and federal laws regarding "real estate brokerage, housing, financing of real property and consumer protection"; and
- changes in "state enabling laws dealing with zoning and subdivision practices."

The course must be designated a "core course" and designed to "assist the licensee in keeping abreast of changing laws, rules and practices" that may affect the licensee's clients' or customers' interests.

Attendance requirements

No specifically relevant provisions were located.

Online classes

No specifically relevant provisions were located. However, distance education courses are permitted for some prelicensing courses. (See "Licensing Prerequisites" for provisions related to distance education courses in a prelicensing course of study.)

Other requirements

A real estate license expires two years from its issuance date. If a licensee does not renew his or her

license before the expiration date, the license is deemed to have expired. A licensee may renew an expired license for up to six months after its expiration date by complying with the renewal requirements and submitting a late fee. If a licensee does not renew an expired license within six months, the license lapses, and the person may obtain a license only by qualifying again as an original applicant. However, the Commission may renew a lapsed license "for good cause shown within a reasonable time not to exceed one year" from the expiration date.

To obtain a renewal license, the applicant must provide the following to the Commission:

- a completed renewal application;
- the required fees;
- a certification of completion of required continuing education; and
- in the case of a principal or managing broker licensee, evidence that the required bond is in full force and effect.

The fees that apply to the renewal of a broker's license are as follows:

- a fee of \$110 for the renewal license;
- a late fee of \$60 for renewing a license up to six months after its expiration; and
- a fee of \$10 for each course submitted to the Commission to be evaluated for continuing education credit.

Principal and managing broker applicants must submit to the Commission a surety bond in the amount of \$25,000 to run concurrently with the licensure dates.

ASSOCIATE BROKER REQUIREMENTS

Applicants seeking renewal as an associate broker must "have their principal broker complete and submit the appropriate sections of the "Broker Renewal" form, which shall include an attestation by the principal broker that the renewal applicant is, to the best of the principal broker's knowledge, of good moral character and is trustworthy."

No other specifically relevant provisions were located. (See "BROKER REQUIREMENTS" above.)

SALESPERSON REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements (see "BROKER REQUIREMENTS" above), except the fee for renewing a salesperson's license is \$90, and a salesperson's licensee need not submit evidence of a bond.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section 331-A:15 amended 2003, §§ 331-A:18 and :19 amended 2009, § 331-A:20 amended 2014, regulations amended and readopted in 2017.

[N.H. Rev. Stat. Ann. §§ 331-A:15, :18, :19, :20 \(2019\); N.H. Code Admin. R. Rea 301.02, 401.01 \(2019\)](#)

New Hampshire, Licensing Categories

BROKER

A "broker" is a person acting for another and for compensation (or for the promise of compensation), or any person licensed under the Real Estate Practice Act acting on the licensee's own behalf, who:

- "[s]ells, exchanges, purchases, rents, or leases real estate" or offers to do so;

- "[n]egotiates, offers, attempts or agrees to negotiate the sale, exchange, purchase, rental or leasing of real estate";
- lists, offers, attempts or agrees to list real estate;
- deals in real estate options;
- collects, offers, attempts or agrees to collect rent;
- advertises or holds oneself out as being engaged in the real estate business;
- procures prospects or negotiates a transaction "calculated to result in the sale, exchange, lease, or rental of real estate"; or
- charges an "advance fee in connection with any contract whereby the person undertakes to promote the sale or lease of real estate, through its listing in a publication or data base issued for such purpose, through referral of information concerning such real estate to brokers, or both."

ASSOCIATE BROKER

An "associate broker" is a person who is "licensed as a real estate broker, but who is employed by a principal broker or under contract . . . to a principal broker" and operates under a principal broker's supervision to participate in an activity listed above.

SALESPERSON OR AGENT

A "salesperson" is an individual who is "licensed under a broker to participate in any activity" listed above.

SPECIALIST CATEGORIES

No relevant provisions were located.

Statutory section amended 2016.

[N.H. Rev. Stat. Ann. 331-A:2 \(2019\)](#)

New Hampshire, Licensing Exemptions

New Hampshire's real estate licensing laws do not apply to the following:

- an owner who is not a licensee (or his or her regular employees who are not licensees) with respect to the owner's real property;
- a prospective real estate purchaser or tenant who is not a licensee (or his or her regular employees who are not licensees) with respect to the owner's real property;
- an "attorney in fact" who is not a licensee acting under a power of attorney with respect to real property of the principal of the attorney-in-fact;
- an attorney-at-law performing his or her duties as such;
- a licensed auctioneer selling real estate at a public auction;
- a public official conducting his or her official duties;
- a receiver, trustee, administrator, executor, conservator, guardian or fiduciary;
- a person acting under a court order, will, trust instrument or other recorded instrument containing a power of sale;

- a person who owns or operates a park (and his or her regular employees), in which "manufactured housing to be sold or leased is located, who may, for a fee or commission or other valuable consideration, list, sell, purchase, exchange or lease such manufactured housing . . . [and] who does not hold himself or herself out as a real estate broker";
- a "corporate consultant who receives a fee from a client based on site searching services rendered in accordance with a written contract, rather than on the completion of any particular transaction and who does not hold himself or herself out as a real estate broker";
or
- a condominium unit owners' association that rents condominiums and townhouses for 30 days or less "for the exclusive benefit of the unit owners and the unit owners' association provided such rentals are managed through an on-site rental office that is operated and controlled exclusively by the unit owners' association."

Section amended 2014.

[N.H. Rev. Stat. 331-A:4 \(2019\)](#)

New Hampshire, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A broker's license applicant must show proof of completing 60 hours of approved study before his or her application date. An applicant may apply the following towards the 60-hour requirement:

- real estate continuing education courses previously approved by the Commission that the applicant has successfully completed within 24 months before his or her examination date and that may consist of a three-hour accredited core course and accredited elective courses;

- beginning and successful completion of 40 hours of accredited pre-licensing education, consisting of either:
 - "New Hampshire accredited pre-licensing education with a minimum of 32 hours of classroom attendance and no more than 8 hours of distance education" within one year before his or her examination date. Distance learning courses may be used under this provision only "for acceptable absences." The term "acceptable absences" includes, but is not limited to, family emergencies, illness, or other unforeseen circumstances. No more than two distance learning classes may be used, and courses must include a final examination of at least 25 questions; or
 - A "minimum of 32 hours of classroom attendance and no more than 8 hours of distance education" within one year before his or her examination date that consists of "34 hours of accredited national material completed in another state and a minimum of 6 hours of New Hampshire accredited state material"; or
 - real estate-related credit courses successfully completed during the past five years at an accredited college, university or institute of higher learning and evidenced by a transcript, which courses must be submitted to the Commission for approval.

Each hour of continuing education and pre-licensing courses counts towards one hour of credit toward the required 60 hours. All college or other higher-learning institute courses of three or more credits, that the Commission approves as real estate-related education, count as 12 credit hours.

An applicant may not fulfill the broker education requirement by using a pre-licensing course he or she previously used to fulfill the salesperson's education requirement.

Service in "lower" category

A broker's license applicant must:

- have been employed full-time in New Hampshire by an active principal broker for at least one year within five years of his or her application date;

- have at least 2000 part-time hours as a licensed salesperson in New Hampshire within five years of his or her application date; or
- prove to the Commission that he or she has experience equivalent to the above.

An applicant must also submit evidence of at least six separate real estate transactions in which he or she was "actively involved and was compensated" or prove to the Commission that he or she has "equivalent experience."

A broker's license candidate who applies for the broker examination based on his or her employment as a salesperson must submit the following:

- verification of his or her employment dates as a salesperson;
- the amount or percentage of time he or she worked; and
- his or her employing broker's notarized signature, attesting that the supplied information is true.

A broker's license candidate who applies for the broker examination based on his or her equivalent experience must submit and complete an "Equivalent Experience" form.

Waiver of qualifications for some professionals

An applicant, who holds an active real estate license in good standing that is issued by examination in another jurisdiction, may apply for a New Hampshire license by taking the New Hampshire portion of the licensing examination, provided:

- the other jurisdiction has entered into a licensing reciprocity agreement that the Commission has approved; and

- the Commission's "other requirements" have been met.

New Hampshire regulations, although somewhat confusing, appear to permit the following to be deemed to have complied with the 60-hour education requirement. Regulation 301.03(j) provides that "candidates for the broker examination shall show proof of completion of 60 hours of approved study . . . , consisting of the following":

- a "juris doctor degree from an accredited law school obtained by a licensed attorney who actively practices or practiced in real estate law within the last 5 years";
- a bachelor's degree with a real estate major from an accredited college, university or institute of higher learning within five years before the examination date;
- a bachelor's degree from an accredited college, university or institute of higher learning, with coursework "equivalent to a major in real estate" within five years before the examination date;
- an associate degree in real estate from an accredited institution within five years before the examination date; or
- successful completion of the education requirements and designation as a Certified Commercial Investment Member or a Graduate, Realtor Institute within five years before the examination date.

Annual fees and filings

A real estate license expires two years from its issuance date. If a licensee does not renew his or her license before its expiration date, the license is deemed to have expired. A licensee may renew an expired license for up to six months after its expiration date by complying with the renewal requirements and submitting a late fee. If a licensee does not renew an expired license within six months, the license lapses, and the person may obtain a license only by qualifying again as an original applicant. However, the Commission may renew a lapsed license "for good cause shown" within a reasonable time from the date of the lapse.

To obtain a renewal license, an applicant must provide the following to the Commission:

- a completed renewal application;
- the required fees;
- a certification of completion of required continuing education; and
- in the case of a principal or managing broker licensee, evidence that the required bond is in full force and effect.

The fees that apply to the renewal of a broker's license are as follows:

- a fee of \$110 for the renewal license;
- a late fee of \$60 for renewing a license up to six months after its expiration; and
- a fee of \$10 for each course submitted to the Commission to be evaluated for continuing education credit.

Renewal license applicants must use Form 6-RE or 7-RE, as applicable, and must include the following:

- full legal name, date of birth, resident physical and mailing addresses and telephone number;
- name of principal broker or firm the applicant is associated with, if applicable;

- business name, physical and mailing addresses and telephone number, if applicable;
- license status;
- actions involving any bankruptcies, insolvency proceedings, or compromises with creditors since the licensee's last original or renewal application;
- information regarding any current undischarged court judgments or liens;
- all criminal convictions for misdemeanor or felony offenses since the licensee's last original or renewal application;
- information on matters which may affect the applicant's good repute or trustworthiness or affect public confidence since the licensee's last original or renewal application;
- any real estate licenses that have been subject to disciplinary actions in any state since the licensee's last original or renewal application;
- signature of principal broker applicants giving permission for the real estate commission to audit the principal broker's escrow account or accounts;
- notarized signature of applicant; and
- associate broker or salesperson affiliation form, if applicable.

Principal and managing broker applicants must submit to the Commission a surety bond in the sum of \$25,000 to run concurrently with the licensure dates.

Applicant investigation

A broker's license applicant must:

- demonstrate "no record of unprofessional conduct";
- furnish any evidence the Commission requires related to a "good reputation for honesty, trustworthiness and integrity"; and
- comply with the criminal records check requirements.

Before submitting a real estate license application, all applicants must submit the following to the New Hampshire Department of Safety, Division of State Police:

- a public criminal record history information authorization form; and
- the appropriate fee.

Applicants must also submit a criminal record report from any other jurisdiction in which the applicant has been convicted of a felony or misdemeanor.

The Commission will determine the applicant's eligibility for licensure upon receiving his or her criminal record information.

Examinations

A real estate license candidate must pass an examination that "demonstrates satisfactory knowledge and understanding of the principles of real estate practice." The Commission is responsible for the examination's form, style, preparation, grading and administration. The Commission must administer the examination at least four times each year.

A candidate must take the licensing examination within three months of receiving an exam registration. A candidate who fails to take the examination during that three-month period must submit a new registration and fee.

A real estate license candidate must attain a minimum score of 70 percent for both the uniform and state portions of the examination. A person who passes a real estate license examination must become licensed within six months of his or her examination date. A person who fails to become licensed during the six-month period must retake the examination.

If a candidate passes only one portion of the examination, he or she need not retake the portion that they passed, but must submit a new examination fee and registration form to be rescheduled to take the failed portion of the examination. The candidate must obtain the minimum passing grade for both the uniform and state portions of the examination within six months from the original examination date. If a candidate fails to attain a passing grade on both portions of the examination within that six-month period, or after eight examination attempts, he or she must complete an additional accredited pre-licensing course and retake the examination in its entirety.

Other prerequisites

A broker's license applicant must:

- have attained the age of 18;
- have passed the test;
- have completed the educational requirements;
- have met the experience requirements;
- demonstrate "no record of unprofessional conduct";
- furnish any evidence the Commission requires related to a "good reputation for honesty, trustworthiness and integrity";
- submit evidence to the Commission of at least six separate real estate transactions in which the applicant was actively involved and was compensated, or prove that he or she has equivalent experience;

- for a broker acting as a principal or managing broker (but not an associate broker or an entity), file a surety bond of at least \$25,000; and
- comply with the criminal records check requirements.

A real estate license application must:

- be made on forms adopted by the Commission;
- include three character-reference affidavits, from persons who are not related to the applicant by blood or marriage; and
- provide any other Commission-required additional information about the applicant's background and trustworthiness that is "reasonably necessary to fairly inform a person requested to sign the application as a character reference and to fully complete the application before the character affidavits are signed."

A broker's license application must also include the 27 items listed in r. 301.01(a).

The fee for an original individual or firm broker license is \$110, and the fee for each qualifying examination is \$170. Applications may not be completed more than 30 days prior to submission.

Corporate and other entity licenses

An applicant for a broker's license for a corporation, partnership or association must designate a duly licensed broker who will serve as the firm's principal broker. All applicants for a broker license as a firm must submit, effective June 2017:

- a completed "Firm Application" form,;
- a completed "Power of Attorney" form; and

- a current certificate for the firm name from the New Hampshire Secretary of State's office.

The Commission may not issue a license to a broker doing business under a trade name unless the trade name is lawfully registered. A corporation organized in another jurisdiction must be registered to do business in New Hampshire.

ASSOCIATE BROKER QUALIFICATIONS

Applicants seeking renewal as an associate broker must have their principal broker complete and submit the appropriate sections of the "Broker Renewal" form, which shall include an attestation by the principal broker that the renewal applicant is, to the best of the principal broker's knowledge, of good moral character and is trustworthy.

See generally "BROKER QUALIFICATIONS" above.

SALESPERSON QUALIFICATIONS

Education

A salesperson's license applicant must complete 40 hours of approved study before the date of his or her examination, which may consist of:

- "New Hampshire accredited pre-licensing education with a minimum of 32 hours of classroom attendance and no more than 8 hours of distance education" within one year before his or her examination date. Distance learning courses may be used under this provision only "for acceptable absences." The term "acceptable absences" includes, but is not limited to, family emergencies, illness, or other unforeseen circumstances. No more than two distance learning classes may be used, and courses must include a final examination of at least 25 questions; or
- a "minimum of 32 hours of classroom attendance and no more than 8 hours of distance education" within one year before his or her examination date that consists of "34 hours of accredited national material completed in another state and a minimum of 6 hours of New Hampshire accredited state material."

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

An applicant, who holds an active real estate license in good standing that is issued by examination in another jurisdiction, may apply for a New Hampshire license by taking the New Hampshire portion of the licensing examination, provided:

- the other jurisdiction has entered into a Commission-approved licensing reciprocity agreement; and
- the Commission's "other requirements" have been met.

"This section applies to nonresident salesperson applicants only when such applicants are applying for an original New Hampshire salesperson license."

Annual fees and filings

All real estate licensees are required to meet the same annual filing requirements (see "BROKER QUALIFICATIONS" above), except that the fee for renewing a salesperson's license is \$90 and a salesperson's licensee need not submit evidence of a bond.

Applicant investigation

A salesperson's license applicant must:

- demonstrate "no record of unprofessional conduct";
- furnish any evidence the Commission requires that is related to a "good reputation for honesty, trustworthiness and integrity"; and

- comply with the required criminal records check.

Before submitting a real estate license application, all applicants must submit the following to the New Hampshire Department of Safety, Division of State Police:

- a public criminal record history information authorization form; and
- the appropriate fee.

The Commission will determine an applicant's eligibility for licensure upon receiving his or her criminal record information.

Applicants must also submit a criminal record report from any other jurisdiction in which the applicant has been convicted of a felony or misdemeanor.

Examinations

All real estate licensees are subject to the same examination requirements. (See "BROKER QUALIFICATIONS" above.)

Other prerequisites

A salesperson's license applicant must:

- have attained the age of 18;
- have passed the test;
- have completed the educational requirements;
- demonstrate "no record of unprofessional conduct";

- furnish any evidence the Commission requires related to a "good reputation for honesty, trustworthiness and integrity"; and
- comply with the criminal records check requirements.

A real estate license application must:

- be made on forms adopted by the Commission;
- include three character-reference affidavits, from persons who are not related to the applicant by blood or marriage;
- provide any other Commission-required additional information about the applicant's background and trustworthiness that is "reasonably necessary to fairly inform a person requested to sign the application as a character reference and to fully complete the application before the character affidavits are signed."

A salesperson's license application must also include the 20 items listed in r. 301.01(b).

The fee for an original salesperson's license is \$90, and the fee for each qualifying examination is \$155. Applications may not be completed more than 30 days prior to submission.

SPECIALIST QUALIFICATIONS

No relevant provisions were located.

Sections 331-A:11 and 331-A:12 enacted 1993; § 331-A:11-a amended 2018; §§331-A:14 and 331-A:15 amended 2003; § 331-A:10 amended 2015; § 331-A:10-a amended 2019; §§ 331-A:18 and 331-A:19 amended 2009; regulations readopted and/or amended 2017.

[N.H. Rev. Stat. Ann. §§ 331-A:10, :10-a, :11, :11-a, :12, :14, :15, :18, :19 \(2019\); N. H. Code Admin. R. Rea 301.01, .02, .03; 303.03, .05; 305.01, .02; 401.01 \(2019\)](#)

New Jersey, Continuing Education Approval

The [New Jersey Real Estate Commission](#) ("Commission") now licenses real estate schools that offer continuing education courses, in addition to those offering prelicense courses. Applications for licenses for real estate continuing education providers, instructors and courses are processed by the Education Bureau of the Commission, as are applications for waivers of continuing education requirements.

The Volunteer Advisory Committee recommends continuing education courses, course providers, and instructors for approval by the Commission. Continuing education courses may be delivered in a classroom setting or via the Internet, distance learning, correspondence or video modalities, subject to the approval by the Commission of:

- the provider;
- the content of the course; and
- the measures utilized to ensure the security and integrity of the course delivery.

PROVIDER

General requirements

Upon the assignment of a New Jersey continuing education provider identification number, the following are deemed to be approved providers without being required to file an application for approval or payment of an application fee:

- real estate prelicensure schools licensed by the Commission; and
- the New Jersey Real Estate Commission.

Public adult education providers and all accredited colleges and universities are deemed approved continuing education providers upon application, without payment of a fee.

The Advisory Committee will be allowed to approve continuing education credits for courses

completed in other states on topics approved by the Commission as appropriate for elective courses. Such courses must:

- have been approved as continuing education courses by the agency exercising regulatory authority over the real estate licensees of the other state; and
- provide satisfactory evidence of licensees' attendance at and completion of the courses to the commission by the course provider.

Before a student completes the registration process and the provider accepts a fee for such registration, the provider must provide the prospective student with a notice specifying the number of credits for which the course is approved and whether it is a core or elective topic. The notice must also include information on:

- course fees;
- refund policies;
- course subject matter and learning objectives;
- course procedures; and
- requirements for satisfactory course completion.

Approval applications

An application for approval as a continuing education provider must include:

- an application fee;

- the provider's business name and any trade name or alternate name under which the provider will operate;
- a description of the type(s) of courses to be provided, such as in-person or distance learning;
- the name, phone number and email address of the individual of the provider's designated continuing education coordinator, who will be the primary contact person with the Commission; and
- if in-person courses will be offered, the address(es) and description of known locations where courses will be offered.

Distance learning course approval

The Commission may approve distance learning continuing education courses if they "include periodic progress assessments and the achievement of a satisfactory level of performance by the licensee on such progress assessments as a condition to continuing to a succeeding segment of the course" and:

- the course promotes students' active participation in the instructional process by using techniques for substantial student interaction with the instructor, other students or a computer program;
- the course consists of no less than one hour when taken without interruption;
- the time required for a student of average ability to complete the course is at least equal to the number of credit hours to be assigned, as verified by the results of studies or field tests;

- the required notice to students includes information on how interaction is accomplished and on any special requirements related to computer hardware, software or other needed equipment, in addition to the information required for in-person courses;
- the provider makes arrangements for handling equipment failures, including software and hardware failures and transmission interruptions and provides support as necessary so students may satisfactorily complete the course in case of such a failure;
- the provider uses procedures that provide reasonable assurance of student identity and verification that the student receiving credit is actually the individual who performed the course work;
- the course is equipped with a time-default mechanism for inactivity so a student is not credited when not actively participating; and
- the provider obtains, electronically or otherwise, a signed and dated statement from each student certifying that he or she personally completed the course.

All ARELLO-certified distance learning courses that are at least one hour and that provide instruction on an elective topic, are, upon payment of the required fee, application submission and approval by the Voluntary Advisory Committee deemed approved by the Commission.

All distance learning courses certified by ARELLO are deemed to have fulfilled the criteria applicable to such courses.

Advertising

Courses that have not been pre-approved for credit must advertise that they have not been approved for credit.

Any provider advertisement or promotional material must include the provider's official name or trade or alternate name on file with the Commission. If an advertisement makes an implied or

express claim that is likely to be misleading in the absence of qualifying information, such information must be disclosed in the advertisement in a clear and conspicuous manner.

Facilities

Non-distance learning courses must be conducted in facilities appropriate to properly present the course. Providers must ensure that they are conducted at times and in locations conducive to learning, free of excessive distractions and segregated from non-course related activity. Facilities must comply with all local, state and federal laws and regulations.

Student records

Providers must maintain course and instructor evaluations and information on the satisfactory completion of continuing education courses for a period of six years. In addition, providers must maintain copies of all course-specific material provided to students.

Other submissions

Providers must electronically submit data to the Commission on a weekly basis identifying licensees who have completed the provider's continuing education courses during the preceding reporting period, including the following information:

- the licensee's name and reference number;
- the license term for which the licensee is seeking credit for having completed the course;
- the provider's name and ID number; and
- the continuing education course name, number, category (core or elective), completion date and number of credit hours.

Within 30 days after offering a course, a provider must report to the Education Bureau instances where more than 50% of the evaluations received on a course or instructor indicate negative assessments on one or more performance factors to be evaluated under Commission regulations.

CONTENT

The following are approved topic areas for elective continuing education courses:

- commercial real estate;

- property management;

- seasonal rentals;

- requirements and transactions subject to the New Jersey Real Estate Sales Full Disclosure Act and New Jersey Real Estate Timeshare Act;

- financing;

- land use;

- real estate valuation;

- foreclosures and short-sale transactions; and specific aspects of residential real estate transactions.

Courses offered in the above elective topics will be deemed approved by the Commission upon application if they are:

- offered by a public adult education program or accredited college or university that has a New Jersey real estate continuing education provider identification number;
- offered by providers who have obtained a New Jersey real estate continuing education provider identification number and are approved as prelicensure or continuing education courses in New Jersey in professions related to real estate brokerage; or
- courses for which continuing education credit is given for their completion upon real estate licensees in other states; provided:
 - the course is approved as a continuing education course by the real estate licensee regulatory agency of the other state;
 - the course is instructional and contributes to enhancing the integrity and/or professional competence of licensees; and
 - the provider obtains a New Jersey provider identification number and provides evidence of a licensee's participation in and completion of the course as required by Commission regulations.

The following do not qualify for approval as a continuing education course:

- real estate salesperson prelicensure courses;
- general education or review courses offered to prepare a student to take a broker's or salesperson examination;
- sales meetings;

- motivational classes; and
- offerings in mechanical office and business skills, such as typing, computer training, instructional use of generic software; salesmanship and report writing.

Core topic areas for continuing education courses are:

- agency;
- disclosure;
- legal issues, such as contracts of sale, leases, forms of ownership, deed restrictions and listing agreements;
- ethics;
- fair housing and the New Jersey Law Against Discrimination;
- New Jersey real estate brokers and salesperson statutes and rules;
- New Jersey and federal environmental laws/rules pertinent to real estate brokerage practice; and
- legal requirements regarding escrow monies and financial recordkeeping.

All core topic courses other than ethics must include instruction on the manner in which ethics relate to the course subject matter.

Each hour of instruction equals one credit.

INSTRUCTOR QUALIFICATIONS

An individual seeking approval as a continuing education instructor must be:

- a college or university professor in real estate, finance, business, economics or a related field;
- a specialist with a college degree or experience teaching one or more subjects in the topics noted in their application for approval;
- a person possessing at least three years experience in a profession, occupation, trade or technical occupation in the real estate field related to the subject matter of proposed instruction;
- a real estate instructor licensed or otherwise authorized by the real estate licensee regulatory agency in another jurisdiction who can show subject matter expertise;
- a member in good standing of the New Jersey state bar who is engaged in the field of real estate related law; or
- a person who otherwise evidences their teaching qualifications by education or experience, or both.

Upon the assignment of a continuing education instructor identification number, real estate instructors already licensed to teach prelicense courses will be deemed approved as continuing education instructors in core topics.

Upon the assignment of a continuing education instructor identification number, ARELLO-approved instructors of ARELLO-approved courses in elective topics will be deemed approved as continuing education instructors in such courses.

Approval application

An applicant for approval as an approved continuing education instructor must submit an application to the Commission, including:

- an application fee of \$50;
- the core and/or elective topics the applicant deems himself or herself qualified to teach;
- a resume and other material evidencing the applicant's qualifications as described above; and
- such additional information as the applicant wishes to supply in support of the application, such as professional reference letters.

The initial license fee is \$200 for year one of the two-year license term and \$100 for year two. The renewal license fee is \$100.

PRIOR APPROVAL REQUIREMENTS

Approval timing

No provisions located.

Approval after class date

Credit for courses on topics "deemed of a timely nature" not previously approved by the Commission may be conferred after the completion of the course if:

- the course is submitted for approval no later than March 1 of the second year of the biennial license term and the course is subsequently approved by the Commission;
- the course provider provides licensees a written statement prior to attendance notifying them that the course is pending approval and ,if the course is advertised prior to offering, all advertisements prominently state that the course is pending approval; and
- the provider provides the Commission satisfactory evidence of a licensee's attendance at and completion of the course and complies with all other provider requirements.

EXAMINATION

Examination requirements

"The commission shall not require, as a condition of the receipt of credit for attendance at any continuing education course, that a licensee pass a comprehensive examination testing the licensee's knowledge of the entire course content."

Proctors

The Commission may set the parameters for the auditing and monitoring of course providers.

Sections 45:15-16.2a, - 16.2b, -16.2e amended 2018; § 45:15-10.14 adopted 1993; remaining statutes enacted 2009; regulations promulgated 2011; Regulation Chapter 11:5 readopted 2016.

[N.J. Stat. Ann. 45:15-10.14, -16.2a, -16.2b, -16.2c, -16.2d, -16.2e, -16.2f, -16.2g \(2019\)](#); N.J. Admin. Code 11:5-12.4, .6 to .14 (2019)

New Jersey, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

A person who has been licensed as a real estate broker or broker salesperson for 40 years or more is not subject to the continuing education requirements, which includes any equivalent experience in any other jurisdiction as determined by the Commission.

A person who successfully completes one or more broker prelicensure education course is deemed to have fulfilled the continuing education requirement applicable to the license the person is renewing upon the conclusion of the licensing term during which the broker prelicensure course was completed.

A Commission-licensed real estate instructor or continuing education course instructor shall earn credit for teaching an approved continuing education course offered by an approved provider. The instructor earns the number of credits granted to a licensee who attends the course one time during the license term.

The Commission may grant a waiver to a renewal applicant if the applicant certifies that he or she was unable to fulfill the continuing education requirement because of:

- an incapacitating illness;

- active duty service in the U.S. armed forces for one year or more of the two-year licensure period;

- emergency; or

- other substantial and unavoidable hardship, but not including financial hardship, unreasonable delay and conflicts with business or personal obligations.

Requests for a waiver, other than those based on emergency, must be filed with the Commission on or before March 15 of the second year of a two-year license term, accompanied by documentation corroborating the basis upon which the waiver is sought.

Except for waivers granted to military personnel, licensees who receive a waiver of any portion of the core course requirement must make up the course course(s) in addition to all continuing education credits required for the current license term, as a condition of renewing their license for the next license term. Waived elective courses are not subject to a make-up requirement.

Required hours

Licensed brokers must as a condition of license renewal complete twelve hours of approved continuing education during the twenty-four month period prior to renewal. The courses must be completed by April 30 of the licensee's renewal year.

Licensees must acquire at least six of the twelve hours in core topics, two hours of which must be in ethics. The remainder of required credits may be acquired through completion of approved elective courses.

Minimum class length

Classes must be at least one hour long, with at least fifty minutes of actual instruction. The remaining ten minutes may be devoted to attendance, the completion or explanation of course evaluations and other administrative work.

Subjects

Core topic areas in which at least six credits of continuing education courses must be earned are:

- agency;
- disclosure;
- legal issues, such as contracts of sale, leases, attorney review, deed restrictions and listing agreements;

- ethics;
- fair housing and the New Jersey Law Against Discrimination;
- New Jersey real estate brokers and salesperson statutes and rules;
- real estate licensee safety;
- financial literacy and planning;
- New Jersey and federal environmental laws/rules pertinent to real estate brokerage practice;
and
- legal requirements regarding escrow monies and financial recordkeeping.

At least two hours must be earned in ethics. At least one hour must be earned in fair housing and housing discrimination. All core topic courses other than ethics must include instruction on the manner in which ethics relate to the course subject matter.

The following are approved topic areas for elective continuing education courses:

- commercial real estate;
- property management;
- seasonal rentals;

- requirements and transactions subject to the New Jersey Real Estate Sales Full Disclosure Act and New Jersey Real Estate Timeshare Act;
- financing;
- land use;
- real estate valuation;
- foreclosures and short-sale transactions; and
- specific aspects of residential real estate transactions.

Attendance requirements

Providers must verify attendance at each non-distance continuing education course and must verify the identity of all individuals attending the course. They may do so by checking an individual's driver's license or other form of photographic identification and their real estate license pocket card at the course location, or through other means that assure the individual attending the course is the licensee who registered for it.

Online courses

"Continuing education courses may be delivered in a classroom setting or via the Internet or video modalities, subject to the approval by the New Jersey Real Estate Commission of the providers and the content of such courses and of the measures utilized to ensure the security and integrity of the course delivery process."

Other requirements

The term of a real estate license is two years. A license runs from its issuance date to the end of the biennial term, and all licenses expire on June 30 of the second year following the year in which the license term started.

When applying to renew a license, all licensees must certify to the Commission either directly or through their broker that they have either:

- satisfied the continuing education requirement;
- were not required to satisfy the requirement; or
- received a waiver.

If a broker or broker-salesperson licensee fails to renew his or her license for more than two, but less than five, consecutive years after his or her last license expired, that person, to obtain a license, must:

- work as a licensed salesperson on a full-time basis for one year;
- pass an examination; and
- successfully complete a 90-hour general broker's pre-licensure course.

If a broker or a broker-salesperson licensee fails to renew his or her license for more than five consecutive years after his or her last license expired, that person, to obtain a license, must:

- first, pass the salesperson's license examination;
- then, work as a licensed salesperson on a full-time basis for three years;
- fulfill all of the educational requirements that apply to first-time broker's or broker-salesperson's license applicants; and
- pass the broker's license examination.

However, the Commission may, in its discretion, prelicense a former broker or broker-salesperson license holder who has not renewed his or her license for two or more consecutive years "upon a sufficient showing that the applicant was medically unable to do so." All applicants so approved must pass the broker's license examination.

The above late renewal provisions do not apply to a person reapplying for a broker's or broker-salesperson's license who allowed his or her license to expire "due to subsequent employment in a public agency in this State with responsibility for dealing with matters relating to real estate if the person reapplying does so within one year of termination of that employment."

The biennial fee for a broker's or a broker-salesperson's license is \$200, and the late renewal fee for a broker's license is \$40.

The Commission may not renew the license of a licensee convicted of any offense set forth in § 45:15-19.1 during the last license term, unless the conviction was previously the subject of a revocation proceeding.

BROKER-SALESPERSON REQUIREMENTS

Broker-salespersons are subject to the same requirements as brokers (see "BROKER REQUIREMENTS" above), except the late renewal fee for a broker-salesperson's license is \$20.

SALESPERSON REQUIREMENTS

Salespersons are subject to the same requirements as brokers (see "BROKER REQUIREMENTS" above), except the renewal fee is \$100 and the late renewal fee for a salesperson's license is \$20.

A person initially licensed as a salesperson in the second year of biennial license term need not

fulfill any continuing education requirement in order to renew his or her license upon the conclusion of that license term.

Other requirements

If a salesperson licensee fails to renew his or her license for two or more consecutive years after it expires, that person, to obtain a license, must:

- attend a licensed school; and
- pass the "State examination."

In its discretion, the Commission may approve for relicensure a salesperson's license applicant who has not renewed his or her license for two or more consecutive years if the applicant was medically unable to do so. However, that applicant must pass the salesperson's license examination before being relicensed.

The above late renewal provisions do not apply to a person who is reapplying for a salesperson's license if the person allowed his or license to expire due to "subsequent employment in a public agency in this State with responsibility for dealing with matters relating to real estate if the person reapplying does so within one year of termination of that employment."

SPECIALTY LICENSE REQUIREMENTS

Salesperson licensed with a real estate referral company

A salesperson licensed with a real estate referral company need not complete the continuing education requirements applicable to salesperson licensees as a condition of license renewal.

Statutory sections 45:15-16.2a and 45:15-16.2b amended 2018; § 45:15-16.2c amended 2009; §§ 45:15-9, -10 and 45:15-15 amended 2018; § 45:15-16.2e amended 2019 § 45:15-13 amended 2003; regulation 11:5-3.1 amended 2012; r. 11.5:3.14 amended 2012; regulations 11:5-12.2 to .5, .7 promulgated 2011; Regulation Chapter 11:5 readopted 2016.

[N.J. Stat. Ann. §§ 45:15-9, -10, -13, -15, -16.2a, -16.2b, -16.2c, -16.2e \(2019\)](#); N.J. Admin. Code 11:5-3.1, .14, 11:5-12.2 to .5, .7 (2019)

New Jersey, Licensing Categories

OVERVIEW

The Commission issues the following license types:

- Real Estate Salesperson;
- Real Estate Referral Agent (effective January 1, 2018 "referral agents" are no longer recognized/licensed, but a "salesperson licensed with a real estate referral company" is);
- Real Estate Broker—Salesperson;
- Real Estate Broker—Sole Proprietor;
- Real Estate Broker—Business entity;
- Real Estate Broker—Broker of Record of a licensed business entity; and
- Branch office.

BROKER

A "real estate broker" is a person, firm or corporation who, for consideration (or the promise or reasonable expectation of consideration),

- "lists for sale, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale, exchange, purchase or rental of real estate";

- collects or offers or attempts to collect rent;
- "solicits for prospective purchasers or assists or directs in the procuring of prospects or the negotiation or closing of any transaction which does or is contemplated to result in the sale, exchange, leasing, renting or auctioning of any real estate";
- negotiates, or offers, attempts or agrees to negotiate, a loan secured by a mortgage or other real estate encumbrance; or
- for pecuniary gain, conducts "a public or private competitive sale of lands or any interest in lands."

In the sale of lots, a "real estate broker" also includes a person or entity employed or contracted by the owner or owners of lots or other real estate parcels at a stated salary or upon a commission or otherwise, "to sell such real estate, or any parts thereof, in lots or other parcels, and who shall sell or exchange, or offer or attempt or agree to negotiate the sale or exchange, of any such lot or parcel of real estate."

A real estate broker also includes any person, firm, or corporation who supervises a real estate referral company.

BROKER-SALESPERSON

A "real estate broker-salesperson" is a person who is "qualified to be licensed as a real estate broker," but who, for consideration, "is employed or contracted by and operates under the supervision of a licensed real estate broker to perform the functions of a real estate salesperson."

SALESPERSON

A "real estate salesperson" is a person who, for consideration, is employed or contracted by and operates under a licensed broker's supervision, and who:

- sells, offer to sell, buys, offers to buy or negotiates "the purchase, sale or exchange of real estate";

- offers or attempts to negotiate a loan secured by a mortgage or other real estate encumbrance;
- leases, rents, or offers to lease or rent real estate for others;
- collects rent;
- solicits for prospective real estate purchasers or lessees;
- is employed by a licensed broker to sell or offer to sell lots or other real estate parcels, for consideration or otherwise, to sell real estate in lots or other parcels;
- in the case of a salesperson licensed with a real estate referral company refers prospective consumers of real estate brokerage services to a particular broker.

The definition of "real estate salesperson" includes a salesperson licensed with a real estate referral company unless otherwise indicated in the licensing laws.

SPECIALIST CATEGORIES

Housing referral aid

A person who, before a lease has been executed or, if no lease is drawn, before a tenant takes possession, charges or accepts any compensation "in exchange for providing assistance in locating rental housing" must be licensed. However, this requirement does not prohibit a licensed real estate broker, or an owner of rental properties or his agents and employees, from:

- requiring a deposit; and

- charging and accepting a fee for processing an application to rent an apartment or for performing a credit check or other investigation of a prospective tenant.

Subdivided lands

The state's subdivided-land provisions require the developer to file and register the project, not the broker.

Timeshare developers

New Jersey statutes require both a timeshare program and a timeshare developer to be registered. A "developer" is a person or entity, who:

- "creates a timeshare plan or is in the business of selling timeshare interests, or employs agents or brokers to do the same";
- succeeds to a developer's interest by "sale, lease, assignment, mortgage or other transfer, except that the term shall include only those persons who offer timeshare interests for disposition in the ordinary course of business."

Salesperson licensed with a real estate referral company

A "real estate salesperson licensed with a real estate referral company" is defined as a "natural person employed or contracted by and operating under the supervision of a licensed real estate broker through a real estate referral company whose real estate brokerage-related activities are limited to referring prospects for the sale, purchase, exchange, leasing or rental of real estate or an interest therein." Referral agents will be authorized to refer prospects only to the broker by whom they are supervised. A salesperson licensed with a real estate referral company may not simultaneously be licensed as a real estate broker or broker-salesperson and no salesperson licensed with a real estate referral company may engage in the business of a real estate broker or broker-salesperson to an extent beyond that authorized by their status as a licensed salesperson.

A "real estate referral company," is "a business entity established and supervised by a licensed real estate broker, separate and apart from any business entity maintained by the licensed real estate broker to conduct real estate brokerage-related activities other than the referral of prospective consumers of real estate brokerage services to that broker, for the purpose of employing or contracting licensed salespersons who strictly engage in the referral of prospects for the sale,

purchase, exchange, leasing or rental of real estate or an interest therein solely on behalf of the supervising real estate broker."

Section; § 45:15-1.2 enacted 1993; § 45:15-16.51 enacted 2006; § 45:15-16.34 amended 2018; § 45:15-3 amended 2018; regulation 11:5-3.12 amended 2012.

[N.J. Stat. Ann. §§ 45:15-1.2,-3, -16.51, -34 \(2019\)](#); N.J. Admin. Code § 11:5-3.12 (2019)

New Jersey, Licensing Exemptions

New Jersey's real estate licensing laws do not apply to the following:

- a person or entity that performs a real estate act with reference to property he or she owns;
- an attorney at law;
- a receiver, bankruptcy trustee, executor or administrator;
- a person selling real estate under a court order;
- a person selling real estate under the terms of a deed of trust;
- a state or federal bank, savings bank or trust company located in New Jersey; or
- an insurance company incorporated under New Jersey insurance laws.

A housing-referral aide is not deemed to be engaged in the business of a real estate broker, broker-salesperson or salesperson.

Section 45:15-1.1 amended 1993; history of § 45:15-4 unknown.

[N.J. Stat. Ann. §§ 45:15-1.1, -4 \(2019\)](#)

New Jersey, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A real estate license applicant must have the equivalent of a high school education.

To be admitted to a broker's or broker-salesperson's license examination, an applicant must first complete 150 hours of real estate courses offered at a licensed school or, for certain courses, offered by another Commission-approved provider. Applicants must first complete a 90-hour general real estate course, followed by two 30-hour courses on agency/ethics (including at least one hour on the subject of fair housing and housing discrimination) and on office management. See r. 2.1(g) for a detailed description of the prelicensing course requirements and topics.

Service in "lower" category

A broker's or broker-salesperson's license applicant must have:

- held a New Jersey salesperson's license; and
- been actively engaged on a full-time basis in the real estate brokerage business in New Jersey for three years immediately before the application date.

No person, except a qualified disabled veteran, may receive credit for the required 150 hours of broker's courses unless he or she held a salesperson's license at the time he or she enrolled in the course.

The broker's license experience requirement is construed to require applicants to demonstrate "their commitment to real estate brokerage as their primary vocation, as evidenced by their involvement in the real estate brokerage business on a full-time basis." Accordingly, an applicant must show that:

- the applicant worked as a salesperson under the broker with whom he or she is licensed for at least 40 hours per week during the hours of approximately 10:00 A.M. to 8:00 P.M.;
- the applicant performed the work during any five days in each week of the three-year period; and
- if the applicant was employed in any other occupation during that three-year period, the other employment was on a part-time basis and did not exceed 25 hours per week.

An applicant may not apply for approval of his or her experience until he or she:

- has been continuously licensed as a salesperson for at least the three-year period immediately before the application; and
- has completed the 90-hour general broker's prelicensure course and the additional two 30-hour courses.

The applicant must submit:

- written statements by the applicant's brokers certifying the applicant's activity as a salesperson while licensed through those brokers; and
- if required, supporting documentation relating to the closed transactions on which the applicant received compensation as a salesperson or other evidence of full-time activity, such as extensive involvement in a specialized field. (An applicant will not receive credit for brokerage activity that was limited to solely making referrals to other licensees.)

Waiver of qualifications for some professionals

The [Real Estate Commission](#) may waive the requirement that a broker's or broker-salesperson's license applicant's experience must precede his or her application date if the applicant:

- has held a broker's license in another state;
- has "actively engaged in the real estate brokerage business" for at least three years immediately before his or her application date;
- meets the educational requirements; and
- qualifies by examination.

The Commission may waive some or all of the real estate licensing educational requirements if the applicant's "education or experience is in the judgment of the commission substantially equivalent to those educational requirements."

An applicant presently licensed as a broker in another state and who has been actively licensed and engaged in the real estate brokerage business on a full time basis as a broker, broker-salesperson or salesperson for at least three years immediately preceding the date of application shall qualify for a waiver of the experience requirement.

A New Jersey citizen who has served in the U.S. armed forces or who served as a member of the American Merchant Marine during World War II and is eligible for federal veterans' benefits may obtain, without cost and without qualifying through experience as a salesperson, a license to operate as a real estate broker, broker-salesperson or salesperson, if he or she:

- has been honorably discharged;
- having been "wounded or disabled in the line of duty, has completed a program of courses in real estate approved by the New Jersey Real Estate Commission"; and

- has successfully passed an examination qualifying him or her to operate as a real estate broker, broker-salesperson or salesperson.

N.J. Admin. Code § 11:5-2.1 clarifies that for qualified veterans, the Commission will approve a program of real estate studies offered by a provider other than a licensed school if the program:

- consisted of at least 75 hours for a salesperson's license or 225 hours for a broker's license; and
- was offered by an accredited college or university for credit.

The requirement that broker's license candidate must complete the general 90-hour broker prelicensure course does not apply to the following:

- a broker's or salesperson's license applicant who has held a broker's license issued by another state and who was actively engaged in the real estate brokerage business for three or more years immediately before his or her application date; or
- a broker's license applicant who is an attorney at law admitted to practice in New Jersey.

Annual fees and filings

The term of a real estate license is two years. A license runs from its issuance date to the end of the biennial term, and all licenses expire on June 30 of the second year following the year in which the license term started.

If a broker's or broker-salesperson's licensee fails to renew his or her license for more than two, but less than five, consecutive years after his or her last license expired, that person, to obtain a license, must:

- work as a licensed salesperson on a full-time basis for one year;

- pass an examination; and
- successfully complete a 90-hour general broker's pre-licensure course.

If a broker's or broker-salesperson's licensee fails to renew his or her license for more than five consecutive years after his or her last license expired, that person, to obtain a license, must:

- first, pass the salesperson's license examination;
- then, work as a licensed salesperson on a full-time basis for three years;
- fulfill all of the educational requirements that apply to first-time broker's or broker-salesperson's license applicants; and
- pass the broker's license examination.

However, the Commission may, in its discretion, relicense a former broker's or broker-salesperson's license holder who has not renewed his or her license for two or more consecutive years "upon a sufficient showing that the applicant was medically unable to do so." All applicants so approved must pass the broker's license examination.

The above late renewal provisions do not apply to a person reapplying for a broker's or broker-salesperson's license who allowed his or her license to expire "due to subsequent employment in a public agency in this State with responsibility for dealing with matters relating to real estate if the person reapplying does so within one year of termination of that employment."

The biennial fee for a broker's or a broker-salesperson's license is \$200, and the late renewal fee for a broker's license is \$40.

The Commission may not renew the license of a licensee convicted of any offense set forth in § 45:15-19.1 during the last license's term, unless the conviction was previously the subject of a revocation proceeding.

A qualified veteran may renew his or her license, upon request, without paying renewal fees.

Applicant investigation

A real estate license applicant must furnish evidence of "good moral character." The Commission may "make such investigation and require such proof as it deems proper and in the public interest as to the honesty, trustworthiness, character and integrity of an applicant."

The Commission shall require an individual licensee or any officer, director, partner or owner of a controlling interest of a licensed corporation or partnership to complete an electronic fingerprint scan through a State-contracted vendor, pay the fees required for its processing, and submit proof of completion of the fingerprint process with a licensing application. The applicant bears the cost of the fingerprint scan, which as of October 1, 2019 is \$66.05. For more information, see [Real Estate License Candidate Fingerprinting Process \(last visited Oct. 27, 2019\)](#).

The Commission may not issue a license to the following, if the Commission knows the party has been convicted during the previous five years:

- a person convicted of "forgery, burglary, robbery, any theft offense other than shoplifting, criminal conspiracy to defraud, or other like offense";
- a "copartnership of which such person is a member"; or
- an association or corporation "of which said person is an officer, director, or employee, or in which as a stockholder such person has or exercises a controlling interest either directly or indirectly."

Additionally, a license may not be issued or renewed by the Commission to any person known by it to have been convicted of any sex offense that would qualify the person for registration as a sex offender under New Jersey law or under an equivalent statute of another state or jurisdiction.

See N.J. Admin. Code § 11:5-3.3 for additional provisions related to the criminal history record check.

Examinations

An applicant must take a licensing examination conducted under the Commission's supervision. The examination tests the applicant's "general knowledge" of:

- New Jersey statutes concerning real property, conveyancing, mortgages, sale agreements and leases;
- the provisions of the New Jersey real estate laws;
- the Commission's rules and regulations; and
- "other subjects as the commission may direct."

See N.J. Admin. Code § 11:5-3.4 for rules that apply to an applicant's conduct during the examination. The examination is a multiple-choice examination. An applicant may request special accommodations if he or she qualifies pursuant to the Americans with Disabilities Act or any other applicable law.

Other prerequisites

A real estate license applicant must:

- be at least 18 years of age; and
- apply to the Commission on Commission-provided forms.

The biennial fee for a real estate broker's or broker-salesperson's license is \$200; the license fee for an initial license is \$270. See r. 11:5-3.14 for additional fees that may apply under certain circumstances. Upon the initial issuance of a biennial license, a broker or broker-salesperson must pay the Commission an additional fee of \$20 to be credited to the Real Estate Guaranty Fund.

A broker or broker-salesperson's license applicant must present with his or her examination application a certificate of satisfactory completion of the required prelicensing courses.

The applicant must pass the broker's license examination and apply for a broker's or a broker-

salesperson's license no later than one year after successfully completing the 150-hour broker prelicensure education requirements. A person who fails to apply for a license within that one-year period must:

- retake the required courses;
- retake the examination; and
- submit evidence of having again fulfilled the experience requirement during the three years immediately before the new application.

Corporate or entity licenses

If an applicant is an association or corporation, the entity's directors must be at least 18 years of age.

If an applicant is an association, partnership or corporation,

- the members, officers or directors must "furnish evidence of good moral character"; and
- the partners, directors or officers who are "actually engaged in the real estate business as a broker, broker-salesperson or salesperson" must pass an examination.

If an applicant is a general partnership or a corporation applying for a broker's license, at least one of the partners or officers must hold a "license as a broker to transact business in the name and on behalf of said general partnership or corporation as its authorized broker."

If an applicant is a limited partnership applying for a broker's license,

- the partnership's general partner must hold a "license as a broker to transact business in the name of and on behalf of the limited partnership"; and

- if a general partner is a corporation, the corporation must be licensed as a broker and one of the corporation's officers must hold a license as the corporation's authorized broker.

ASSOCIATE BROKER QUALIFICATIONS

A broker-salesperson must meet the same qualifications as a broker (see "BROKER QUALIFICATIONS" above), except the late-renewal fee for a real estate broker-salesperson's license is \$20.

SALESPERSON QUALIFICATIONS

Education

A real estate license applicant must have the equivalent of a high school education.

To be admitted to the licensing examination, a salesperson's license applicant must satisfactorily complete 75 hours of courses of real estate education at a school licensed by the Commission. At least three hours must be on ethics and at least one hour on fair housing and housing discrimination. See r. 11:5-2.1(f) for a detailed description of the salesperson's prelicensing course requirements and topics.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

The Commission may waive some or all of the real estate license educational requirements if the applicant's "education or experience is in the judgment of the commission substantially equivalent to those educational requirements."

A New Jersey citizen who has served in the U.S. armed forces or who served as a member of the American Merchant Marine during World War II and is eligible for federal veterans' benefits may obtain, without cost and without qualifying through experience as a salesperson, a license to operate as a real estate broker, broker-salesperson or salesperson, if he or she:

- has been honorably discharged;

- having been "wounded or disabled in the line of duty, has completed a program of courses in real estate approved by the New Jersey Real Estate Commission"; and
- has successfully passed an examination qualifying him or her to operate as a real estate broker, broker-salesperson or salesperson.

N.J. Admin. Code § 11:5-2.1 clarifies that for qualified veterans, the Commission will approve a program of real estate studies offered by a provider other than a licensed school if the program:

- consisted of at least 75 hours for a salesperson's license or 225 hours for a broker's license; and
- was offered by an accredited college or university for credit.

The requirement that a salesperson's license candidate must complete the 75-hour salesperson prelicensure education course does not apply to the following:

- broker's or salesperson's license applicants who have held a broker's license issued by another state and who were actively engaged in the real estate brokerage business for three or more years immediately before his or her application date;
- salesperson's license applicants who are attorneys at law admitted to practice in New Jersey or any other state;
- salesperson's license applicants who have earned a college degree from an accredited institution of higher education, if (a) the total number of college level classroom hours devoted to real estate and related subjects was 75 or more, and the applicant completed the courses within three years of making application; (b) the applicant received a bachelor or associate degree in real estate, no matter how long before their waiver application they received the degree; or (c) the applicant "satisfactorily completed 75 or more classroom hours of course work in real estate or related subjects, at least 45 hours of which consisted

of instruction on real estate conducted as part of a post-graduate program and that such post-graduate studies were completed within three years of making application";

- salesperson's license applicants who hold or held a real estate license issued by another state, if (a) the applicant has "satisfactorily completed a prelicensure course of real estate education at a proprietary school, college or university in that other state"; (b) the other state's licensing authority sanctioned the prelicensure course; (c) at least 75 classroom hours were included in the course; (d) the applicant qualified by examination for licensure in the other state; and (e) the applicant was "actively licensed in that state within three years of applying for the waiver"; or
- salesperson's license applicants who previously held a New Jersey license as a real estate broker and whose last license expired more than two, but less than five, years before his or her current license application.

Annual fees and filings

The term of a real estate license is two years. A license runs from its issuance date to the end of the biennial term, and all licenses expire on June 30 of the second year following the year in which the license term started. The biennial fee for renewal of a salesperson's license is \$100 and the late renewal fee is \$20.

If a salesperson's licensee fails to renew his or her license for two consecutive years or more after it expires, that person, to obtain a license, must:

- attend a licensed school; and
- pass the "State examination."

In its discretion, the Commission may approve for relicensure a salesperson's license applicant who has not renewed his or her license for two or more consecutive years if the applicant was medically unable to do so. However, that applicant must pass the salesperson's license examination before being relicensed.

The above late renewal provisions do not apply to a person who is reapplying for a salesperson's license if the person allowed his or her license to expire due to "subsequent employment in a public agency in this State with responsibility for dealing with matters relating to real estate if the person reapplying does so within one year of termination of that employment."

A qualified veteran may renew his or her license, upon request, without paying renewal fees.

Applicant investigation

All real estate licensees are subject to the same applicant-investigation requirements. (See "BROKER QUALIFICATIONS" above.)

Examinations

All real estate licensees are subject to the same examination requirements. (See "BROKER QUALIFICATIONS" above.)

Other prerequisites

A real estate license applicant must:

- be at least 18 years of age; and
- apply to the Commission on Commission-provided forms.

The biennial fee for a real estate salesperson's license is \$100; the license fee for an initial or reinstated license is \$160. See r. 11:5-3.14 for additional fees that may apply under certain circumstances. Upon the initial issuance of a biennial license, a salesperson must pay the Commission an additional fee of \$10 to be credited to the Real Estate Guaranty Fund.

A salesperson's license applicant must:

- present with his or her license application a certificate of satisfactory completion of the educational requirement, unless waived;
- pass the State salesperson's examination and apply for a salesperson's license no later than one year after the date of successful completion of the prelicensing course; and

- certify that he or she possesses a high school education or an equivalent degree.

A person who fails to apply for a salesperson's license within the one-year period must:

- retake the required licensing course; and
- retake the examination.

SPECIALIST QUALIFICATIONS

Housing referral aid

No specifically relevant provisions were located in the state's real estate licensing laws or regulations. Generally, New Jersey law requires a person who accepts compensation for providing assistance in locating rental housing to be licensed. However, the licensing provisions do not "prohibit a licensed real estate broker, or an owner of rental properties or his agents and employees, from requiring the payment of a deposit to reserve a particular unit or from charging and accepting a fee for processing an application to rent an apartment or for performing a credit check or other investigation upon prospective tenants prior to the execution of a lease or the taking of possession of a rental unit by a prospective tenant."

Timeshare developer

Education

No specifically relevant provisions were located.

Service in "lower" category

No specifically relevant provisions were located.

Waiver of qualifications for some professionals

The act that requires both a timeshare program and a timeshare developer to register does not apply to the following:

- timeshare plans consisting of 10 or fewer timeshare interests;
- timeshare plans, the use of which extends over any period of three years or less;
- timeshare plans under which the prospective purchaser's total financial obligation will not exceed \$3000 during the plan's entire term;
- certain "component sites of specific timeshare interest multi-site timeshare plans that are neither located in nor offered for sale" in New Jersey;
- "offers or dispositions of securities or units of interest issued by" a regulated real estate investment trust; and
- offers or dispositions of registered securities.

A person is not required to register as a developer if he or she:

- owns a timeshare interest and acquired the timeshare interest for his or her own use and "later offers it for resale in a single or isolated transaction"; or
- is "a managing entity or an association that is not otherwise a developer of a timeshare plan in its own right, solely while acting as an association or under a contract with an association to offer or sell a timeshare interest transferred to the association through foreclosure, deed in lieu of foreclosure, or gratuitous transfer," provided he or she performs the acts in the regular course of managing the association for its own account.

Annual fees and filings

No provisions specifically relevant to a developer's registration were located. However, see r. 45:15-16.60 for details regarding the annual reports that a developer must file regarding his or her timeshare plans.

Applicant investigation

No specifically relevant provisions were located. However, the Commission may refuse to issue or renew any registration if the registrant violates any provisions of the relevant act or related regulations or is convicted of:

- a "felony that is punishable by death or imprisonment for a term exceeding one year";
- a misdemeanor, if dishonesty is "an essential element of the offense"; or
- a crime that "relates directly" to the practice of the regulated profession.

Examinations

No specifically relevant provisions were located.

Other prerequisites

A developer who sells, offers to sell, or attempts to solicit prospective purchasers in New Jersey to purchase a timeshare interest, or any person who creates a timeshare plan, must register the plan with the Commission. See § 45:15-16.57 for detailed and extensive provisions related to registering the plan.

A developer must also include in its application for registration with the Commission the information set forth in § 45:15-16.57(d), which includes, among other things, information about the developer, the timeshare plan, the developer's authorized New Jersey representative who is a licensed real estate broker, and the managing entities.

Salesperson licensed with a real estate referral company

An application for licensure as a salesperson licensed with a real estate referral company, and for any renewal thereof, must include a certification signed by the licensed real estate broker by whom the applicant is or will be employed or contracted, which certification confirms that:

- the broker and the applicant or renewing salesperson licensed with a real estate referral company have reviewed the restrictions imposed by law upon the activities of a salesperson licensed with a real estate referral company; and
- the applicant or salesperson licensed with a real estate referral company has acknowledged that he or she is aware that such activity is limited to referring prospective consumers of real estate brokerage services to that broker.

Section 45:15-1.2 enacted 1993; §§ 45:15-10.2 and 45:15-12.1 amended 1993; § 45:15-13 amended 2003; §§ 45:15-16.52, 45:15-16.57, 45:15-16.60 and 45:15-16.74 enacted 2006; §§ 45:15-9, -10, 10.1, -11, -12.1, -15, -20, -35 amended 2018 by P.L. ch. 71; § 45:15-10.1 amended 2019; regulation 11:5-3.1 adopted 1997; r. 11:5-2.1 and 11:5-3.4 amended 1998; r. 11:5-3.3, 11:5-3.8, and 11:5-3.14 amended 2009; r. 11:5-3.6 amended 2004; Bulletin 10-05 issued 2010; Regulation Chapter 11:5 readopted 2016.

[N.J. Stat. Ann. §§ 45:15-1.2, -9, -10, -10.1, -10.2, -11, -12.1, -13, -15, -16.52, -16.57, -16.60, -16.74, -20, -35 \(2019\)](#); N.J. Admin. Code §§ 11:5-2.1, -3.1, -3.3, -3.4, -3.6, -3.8,-3.14 (2019)

New Mexico

New Mexico, Continuing Education Approval

PROVIDER

General requirements

The [New Mexico Real Estate Commission](#) ("Commission") must approve all continuing education programs, courses, sponsors and instructors, with input from the Education Advisory Committee (EAC). In this context, the following terms have the following meanings:

- an "approved education course" is a Commission-approved course offered by a Commission-approved sponsor in "real estate law and practice; real estate financing including mortgages and other financing techniques; material specific to the regulatory, technical and ethical practice of real estate; and all state and federal laws including but not limited to fair housing, the Americans with Disabilities Act (ADA), and lead-based paint disclosure";

- an "approved training course" is a Commission-approved course in "personal and property protection for the broker and clients; offerings in using the computer, the internet, business calculators, and other technologies to enhance the broker's service to the public; offerings concerning professional development, customer relations skills, sales promotion including salesmanship, negotiation, marketing techniques, servicing the client, or similar offerings";
- "core course" is the four-hour Commission-approved continuing education course that all brokers are required to complete annually as a condition of license renewal;
- "core elective course" is the four-hour Commission-approved continuing education course in residential transactions, commercial transactions, property management transactions or vacant land/ranch transactions required once during each three-year cycle; and
- the "post-licensing course" is the 30-hour Commission-approved new broker business practices course required within the first year of licensure or broker's first licensed in New Mexico as associate brokers on or after January 1, 2009.

Sponsor approval

The Commission must approve all sponsors wishing to offer Commission-approved courses for credit before the sponsor accepts students. The Commission generally reviews sponsor applications to determine if the sponsor is "qualified and credible."

An approved sponsor must:

- conduct all courses according to the Commission's rules, education policies and approved course content;
- prominently display the current certificate of sponsorship;
- provide to each student who successfully completes a pre-licensing or continuing education course, a course completion certificate;

- maintain student records;
- permit the Commission access to classes and make available to the Commission information pertaining to the sponsor's activities;
- advertise appropriately;
- comply with relevant regulations if the sponsor ceases operations;
- advise the Commission within 30 days of changes in ownership or other relevant information, and reapply for sponsorship in the event of a change of majority ownership;
- collect an evaluation from each student;
- renew sponsorship approval every three years; and
- meet the requirements of the Americans with Disabilities Act.

Approval applications

Educational institutions, proprietary schools, professional organizations or businesses wishing to become Commission-approved sponsors must submit a completed sponsor application form. The Commission must also approve all continuing education programs, courses, and instructors, pursuant to the application procedures specific to those aspects of the application procedure, as each is described below.

Distance learning course approval

A "distance learning" is "education and training that takes place outside of the traditional classroom setting and in which non-traditional instructional media are used because the teacher and student are separated by distance or time" Distance education sponsors seeking continuing education credit for their courses must designate a New Mexico-approved instructor to make a presentation to the EAC and submit the following for EAC review and approval:

- course syllabi which clearly state the course objectives and explain the desired student competencies;
- instructions for accessing, using, and testing the online materials tailored to individuals or organizations who will be evaluating the courses rather than completing them for credit;
- reference materials appropriate to the course;
- when a series of courses is offered in a curriculum, evidence of sequential development and logical progression;
- description of the method, such as examinations and quizzes, by which student progress and mastery of the subject matter is measured, and for determining what is required for a student to successfully complete the course;
- description of the method by which student identity is verified;
- evidence that qualified individuals are involved in the design and planning of distance learning courses;
- the names, telephone numbers and e-mail addresses of individuals, websites, or other resources that students can contact for technical assistance and subject matter questions, and the hours and other conditions of availability of those individuals and resources;

- a description of the methodology used by the provider in determining the classroom hour equivalency of each distance education course; and
- documentation that the course has met the distance education certification requirements of the Association of Real Estate License Law Officials (ARELLO), the Real Estate Commission, or another entity qualified to grant such certifications.

Courses must have a New Mexico-approved instructor competent in the subject matter available to monitor progress and answer student questions during regularly posted hours. The course sponsor must also demonstrate a method for monitoring student progress, through live interaction, testing or some other method approved by the Commission.

"Live distance education" is distance education in which the teacher and student are separated by distance, but not time. In addition to the above requirements, live distance education sponsors and instructors seeking approval to offer continuing education credit must comply with the following requirements:

- The technology a sponsor intends to use will be in place, at the place of instruction and at student location(s), and demonstrated to the ESC in a situation as near as possible to the actual proposed class setting.
- The sponsor or instructor must provide technical support sufficient to rectify minor technical problems. If there are interruptions that exceed the 50-minutes-of-instruction-per-hour mandate, no credits will be given to students.
- At live distance education locations where there is a proctor, a final examination is not required; if there is no proctor, a final examination is required.
- Live distance education core course instruction must be proctored, must have a maximum of 40 students total, and a minimum of five students at each location, unless there is a one-teacher-to-one-student instruction'

Advertising

Course advertising must:

- be "free from misrepresentation, deception or fraud";
- include the approved sponsor's name; and
- specify whether the course is in the education or training category.

Student records

A sponsor must maintain "current, complete, and accurate student records," which must include, but are not limited to, a record of:

- payments made;
- attendance; and
- course work completed.

The sponsor must maintain student records for three years.

Certificates of completion

A sponsor must provide each student who successfully completes a pre-licensing or continuing education course, a course-completion certificate that shows:

- the student's name;

- the course's name and number;
- the credit hours earned; and
- whether the course is in the "education or training category."

A sponsor may not certify a broker as successfully completing:

- the mandatory course unless the broker attended each credit hour of the classroom instruction; or
- an approved continuing education course unless the broker has attended each credit hour of the classroom instruction.

Other submissions

No relevant provisions were located. However, the Commission must approve all continuing education programs, courses, sponsors and instructors, so approval procedures must be followed in all four of those areas. Applications for sponsor, instructor, and course approvals must be accompanied by the appropriate fees.

CONTENT

A Commission-approved continuing education course may not grant more than 10 credit hours of continuing education credit.

An "approved education course" may address the following topics:

- "selling, leasing or managing residential, commercial and industrial property";
- real estate law and practice;

- real estate financing;
- the regulatory, technical and ethical aspects of real estate practice; and
- federal laws, including those pertaining to fair housing, the Americans with Disabilities Act and lead-based paint disclosure.

An "approved training course" must address:

- "personal and property protection";
- using a computer, the Internet, business calculators and other technologies that enhance the broker's service;
- professional development, customer relations skills and sales promotion; or
- "similar offerings."

The following are not acceptable topics:

- unless taken as a part of a course approved in a state with which New Mexico has a written reciprocity agreement, courses taken to fulfill the continuing education requirements of another state;
- mechanical office and business skills; or
- physical well-being or personal development, including personal motivation, stress management, time management, dress-for-success or similar offerings.

The Commission's Education Advisory Committee ("EAC") will not approve courses on a "one-on-one" basis.

The minimum course length is one hour, and a credit hour is not less than 50 minutes within a 60-minute time period.

The Commission maintains a current list of approved courses.

If a course is an update to a previously approved course and new material becomes available, the instructor must update the course and present the most current information, providing significant outline changes to the Commission "as they occur."

MATERIALS

A sponsor must provide and collect from each student at the end of each course an evaluation that addresses:

- adherence to course content;
- the instructor's effectiveness; and
- other prescribed criteria.

The sponsor must maintain the evaluation forms for at least one year and make them available to the Commission upon request.

Instructor materials must "include thorough, high quality, readable, carefully prepared materials, provided to participants prior to, or at the time of, the course."

For certified distance education courses, the Commission must approve the materials, including outlines and testing materials.

INSTRUCTOR QUALIFICATIONS

The Commission must approve all instructors teaching real estate courses before they teach a course.

An instructor candidate must:

- complete an application and pay all applicable fees at least 30 days before presenting a course;
- complete a Commission-approved instructor-training course within one year of being approved as an instructor, and every three years thereafter;
- be "honest, truthful, reputable, professional and competent";
- make a presentation of at least 15 minutes to the EAC to show his or her teaching skills and knowledge of the subject matter, and be prepared to answer questions; and
- provide copies of student handouts during their course presentation.

A candidate seeking Commission approval to teach core courses must in addition to the above requirements:

- successfully complete core course training approved by the Commission;
- teach the current core course twice for no compensation, teamed with two different approved core course instructors designated by the Commission and receive "above average" evaluations in both courses,
- appear before and be approved by the EAC, including presentation of a component of the current year's core class;
- appear before the Commission, and be sworn in; and

- ensure that the core course materials the applicant presents include the materials approved by the Commission for the current calendar year that is being taught.

After approval instructors must:

- conduct all classes according to Commission rules and "education policies";
- ensure that his or her instruction is "free from all misrepresentation, solicitations of products and recruitment";
- teach in accordance with Commission-approved course content requirements;
- allow the Commission access to any approved class; and
- certify a student attendance record to the sponsor.

The EAC will make a recommendation to the Commission to grant or deny instructor approval. Instructor approvals expire on December 31 the same three-year cycle as the instructor broker's license. If the instructor is not a broker, expiration occurs three years from the initial approval date.

Instructors must also complete a Commission-approved instructor training course within one year of being approved to teach pre-licensing and continuing education courses.

PRIOR APPROVAL REQUIREMENTS

Approval timing

A sponsor wishing to offer a Commission-approved course for credit must be approved before accepting students. The Commission must approve all pre-licensing and continuing education courses before they are offered.

The Commission must also approve all instructors teaching real estate courses before they teach a course, except for instructors teaching courses approved for one-on-one credit or instructors teaching courses leading to national professional designations. An instructor candidate must generally complete an application and pay all applicable fees at least 30 days before presenting a course.

Approval after class date

Courses not on the approved list will not be granted approval if application for approval is made after the course was taken.

EXAMINATION

Examination requirements

A sponsor may not certify a broker as successfully completing the mandatory course unless he or she passed a written examination at the conclusion of the course.

Certified distance education courses must include testing administered by the sponsor or a disinterested third party. The test must demonstrate understanding or knowledge of the subject matter. The sponsor may not "alter the course test parameters" and must administer the test as approved by the Commission.

Proctors

Certified distance education courses must include a test "administered" by the sponsor or a disinterested third party.

Regulations 16.61.13.9 amended 2012; all other rules amended 2018, effective January 1, 2019.

[**N.M. Code R. §§ 16.61.1.7; .13.8, .9; .15.9, .10, .11, .12 \(2019\)**](#)

New Mexico, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

Brokers who have attained 65 years of age and a minimum of 20 years of continuous licensure prior to July 1, 2011 are exempt from continuing education requirements.

Commission-approved pre-licensing courses may account for up to 10 credit hours "toward continuing education for license renewal." The 30-hour post-licensing course may count for up to 10 education category credit hours of continuing education.

Licensees may receive four "approved education category credit hours during each licensing cycle for attending commission meetings, rules hearings, and disciplinary hearings or meetings of the Licensing Advisory Committee."

An approved instructor may apply up to 10 credit hours during each three-year licensing cycle toward fulfilling his or her own continuing education requirements for teaching Commission-approved courses.

Required hours

Every licensee, unless he or she is exempt, must, as a condition of license renewal, successfully complete 36 credit hours of continuing education in Commission-approved courses during each three-year licensing cycle.

Required courses during the three-year renewal cycle include:

- a four-hour New Mexico Real Estate Commission (NMREC) core course to be completed annually;
- a four-hour Commission-approved core elective course to be completed once during the cycle; and
- four-hours of ethics training in Commission-approved ethics courses to be completed once during the cycle.

All 16 remaining credits may be earned from approved education category courses. No more than 10 credit hours may be earned from approved training category courses.

Qualifying brokers applying for license renewal must submit evidence of completions of:

- the qualifying broker refresher course; and
- a minimum of 36 hours of approved courses including the four-hour core course in each year of the licensing cycle and eight hours of core elective courses.

Effective January 1, 2019, any broker who intends to offer property management services for others, must as a condition of offering property management services complete the Commission-approved course, Uniform Owner-Resident Relations Act, or a Commission-approved equivalent property management related course, prior to offering property management services, and every subsequent three-year licensing cycle. As a condition of offering property management services, in addition to the 36-hour requirement above, associate brokers must complete a minimum of six hours of approved continuing education courses in property management selected from the Commission's most current approved course catalog during each licensing cycle. Qualifying brokers who offer or intend to offer property management services for others, must as a condition of offering such services, in addition to the 36-hour requirement above, complete a minimum of 12 hours of approved continuing education courses in property management selected from the Commission's most current approved course catalog, each licensing cycle.

All qualifying brokers, and, effective January 1, 2019, associate brokers who offer or intend to offer property management services, must attend one Commission meeting, rule hearing, or disciplinary hearing for at least three hours, or until the Commission goes into executive session, or the hearing/meeting ends, whichever comes first. "Attendance may be live meeting/hearing or by live or recorded distance broadcast, but must be documented by signing into and out of the meeting/hearing." In the event of broker hardship, the Commission may authorize an equivalent to meeting attendance either by an online download, attendance at any approved equivalent, or by other approved participation.

A licensee may not carry continuing education credit hours forward to the next licensing cycle.

Minimum class length

The minimum course length is one hour. A credit hour is 50 minutes within a 60-minute time period. The Commission will not grant more than 10 credit hours of continuing education credit for one approved continuing education course.

Subjects

"Approved education courses" address the following topics:

- real estate law and practice;
- real estate financing;
- the regulatory, technical and ethical aspects of real estate practice; and
- federal laws, including those pertaining to fair housing, the Americans with Disabilities Act and lead-based paint disclosure.

"Approved training courses" include:

- "personal and property protection for the broker and clients";
- using a computer, the Internet, business calculators and other technologies to enhance the broker's service;
- professional development, customer relations skills and sales promotion; or
- "similar offerings."

The following are not acceptable topics:

- with the exception of courses taken in states with which New Mexico has a written recognition agreement, courses taken to fulfill another state's continuing education requirements;
- mechanical office and business skills; or
- physical well-being or personal development, including personal motivation, stress management, time management, dress-for-success or similar offerings.

The Commission maintains a current list of approved courses.

Attendance requirements

A sponsor may not certify a broker as successfully completing:

- the mandatory continuing education course unless the broker attended at least 90 percent of the classroom instruction and passed a written examination at the course's conclusion; or
- an approved continuing education course unless the broker attended at least 90 percent of the classroom instruction.

Online classes

"Distance education" is "education and training that takes place outside of the traditional classroom setting and in which other instructional media are used because the instructor, teaching materials, and student are separated by either distance or time."

Distance education providers seeking real estate broker continuing education credit for courses must submit the following for EAC review and approval:

- course syllabi which clearly state the course objectives and explain the desired student competencies;

- instructions for accessing, using, and testing the online materials tailored to individuals or organizations who will be evaluating the courses rather than completing them for credit;
- reference materials appropriate to the course;
- when a series of courses is offered in a curriculum, evidence of sequential development and logical progression;
- description of the method, such as examinations and quizzes, by which student progress and mastery of the subject matter is measured, and for determining what is required for a student to successfully complete the course;
- description of the method by which student identity is verified;
- evidence that qualified individuals are involved in the design and planning of distance learning courses;
- the names, telephone numbers and e-mail addresses of individuals, websites, or other resources that students can contact for technical assistance and subject matter questions, and the hours and other conditions of availability of those individuals and resources;
- a description of the methodology used by the provider in determining the classroom hour equivalency of each distance education course; and
- documentation that the course has met the distance education certification requirements of the Association of Real Estate License Law Officials (ARELLO), the Real Estate Commission, or another entity qualified to grant such certifications.

Courses must have a New Mexico-approved instructor competent in the subject matter available to monitor progress and answer student questions during regularly posted hours. The course sponsor must also demonstrate a method for monitoring student progress, through live interaction, testing

or some other method approved by the Commission.

Other requirements

A licensee must renew his or her license every three years on or before the last day of the month following his or her month of birth. The licensee must submit:

- a renewal application;
- proof of compliance with continuing education requirements, except for associate brokers in their first licensing cycle, who must submit verification of courses to Commission at the required three annual intervals; and
- the renewal fee.

If a licensee does not renew his or her license, the license expires, and the Commission may require the person to apply for a license as if the person had not been previously licensed and to pay a late fee. However, the Commission may not require payment of the late fee and reexamination if during a period of one year from the date the license expires,

- the person or the person's spouse is absent from New Mexico on active duty military service; or
- the person is "suffering from an illness or injury of such severity that the person is physically or mentally incapable of making application for a license."

That person must, within three months of his or her permanent return to New Mexico or "sufficient recovery" from illness or injury to allow the person to submit an application, apply to the Commission for a license.

The application must include a copy of the person's (or his or her spouse's) military orders or a certificate from the applicant's physician.

Every applicant for an active original or renewal license must provide the Commission with satisfactory evidence that he or she has professional liability insurance coverage.

The following fees may apply to license renewals:

- for each broker's license renewal, a fee not to exceed \$270; and
- for each broker's license renewal, a fee not to exceed \$10 must be credited to the real estate recovery fund if, in the Commission's judgment, assessing the fee is necessary to maintain the fund at its statutory minimum of \$150,000.

The Commission may deny an application for an initial or renewal application if the applicant or licensee is not in compliance with a support judgment and order.

ASSOCIATE BROKER REQUIREMENTS

All real estate licensees generally must meet the same continuing education requirements (see "BROKER REQUIREMENTS" above). See "Licensing Prerequisites" for educational requirements that apply to associate brokers during their first renewal period.

SALESPERSON REQUIREMENTS

No relevant provisions were located.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Sections 61-22-4.1 amended 2013; 61-29-22 amended 2011; § 61-29-4.2 amended 2013; § 61-42-11 amended 2013; regulations amended 2018, except 16.61.3.14 promulgated 2018.

[N.M. Stat. §§ 61-29-4.1, -4.2, -11, -22 \(2019\); N.M. Code R. §§ 16.61.2.8; 3.14, .11.8; .13.8, 13.9; .15.11, .35.8 \(2019\)](#)

New Mexico, Licensing Categories

BROKER

A "broker" or "qualifying broker" is a licensed real estate broker who has qualified a proprietorship, corporation, partnership or association to do business as a real estate brokerage in New Mexico, who discharges the responsibilities of a qualifying broker, and who for compensation or other consideration,

- "lists, sells or offers to sell real estate";
- "buys or offers to buy real estate";
- negotiates the purchase, sale or exchange of real estate or real estate options;
- leases, rents or auctions real estate or offers to do so;
- advertises or "makes any representation" as being engaged in the real estate business as a "whole or partial vocation";
- charges an advance fee or contracts to collect a fee in connection with a contract under which the person "undertakes primarily to promote the sale of real estate through its listing in a publication issued primarily for that purpose or for the purpose of referral of information concerning real estate to brokers, qualifying brokers or associate brokers"; or
- is engaged in managing property for others.

ASSOCIATE BROKER

An "associate broker" is a person who, for compensation or other consideration, "is associated with or engaged under contract by a qualifying broker to participate in an activity" described above or "to carry on the qualifying broker's business as a whole or partial vocation," and:

- "lists, sells or offers to sell real estate";

- "buys or offers to buy real estate";
- negotiates the purchase, sale or exchange of real estate or real estate options;
- leases, rents or auctions real estate or offers to do so;
- advertises or "makes any representation" as being engaged in the real estate business as a "whole or partial vocation";
- manages property for others; or
- is in the business of charging an advance fee or contracting to collect a fee in connection with a contract under which the qualifying broker undertakes to promote a real estate sale through its listing in a publication issued primarily for that purpose or for referral of real estate information to other brokers.

SALESPERSON

New Mexico no longer issues salesperson licenses.

SPECIALIST CATEGORIES

No relevant provisions were located. (Time share registrations involve registering the project, not the broker.)

Section 61-29-2 amended 2014; regulations 16.61.1.7 amended 2018, effective January 1, 2019.

[N.M. Stat. § 61-29-2 \(2019\)](#); [N.M. Code R. §§ 16.61.1.7; .25.8 \(2019\)](#)

New Mexico, Licensing Exemptions

New Mexico's real estate licensing laws do not apply to the following:

- a person who as owner performs any of the activities included in this section with reference to property owned by the person, except when the sale or offering for sale of the property constitutes a subdivision containing one hundred or more parcels;
- the employees of the owner or the employees of a qualifying broker acting on behalf of the owner, with respect to the property owned, if the acts are performed in the regular course of or incident to the management of the property and the investments;
- "isolated or sporadic transactions not exceeding two transactions annually in which a person acts as attorney-in-fact," provided certain other conditions are met and the person has not used a power of attorney to evade the state's licensing provisions;
- a transaction in which "a person acts as attorney-in-fact under a duly executed power of attorney delivered by an owner related to the attorney-in-fact within the fourth degree of consanguinity or closer, authorizing the person to finally consummate and to perform under any contract for the sale, leasing or exchange of real estate" on the owner's behalf;
- an attorney-at-law performing his or her duties as such;
- a receiver, bankruptcy trustee, administrator or executor;
- a person selling real estate pursuant to court order;
- a trustee acting under a trust agreement, deed of trust or will (or his or her regular salaried employees);
- a salaried employee of a governmental agency acting within the scope of his or her employment; or

- a person who deals exclusively in mineral leases or mineral rights or royalties, provided the fee to the land or surface rights are not involved in the transaction.

Effective July 1, 2011, the exemption for persons engaged in real estate activities regarding property owned or leased by them was modified. As modified, the exemption applies only to a person who as owner performs any of the activities included [as real estate brokerage activities] with reference to property owned by the person, except when the sale or offering of sale of the property constitutes a subdivision containing one hundred or more parcels. . . .

Section amended 2014.

[N.M. Stat. § 61-29-2 \(2019\)](#)

New Mexico, Licensing Prerequisites

(QUALIFYING) BROKER QUALIFICATIONS

Education

A qualifying broker applicant must provide a certificate of completion of

- the [Real Estate Commission](#)-approved 30-hour brokerage office administration course, with an in-course instructor-created exam administered by the instructor at the end of the course;
- the eight-hour Understanding and Using RANM Forms course (#21020551), or at least eight hours of other Commission-approved contract course(s); and
- a minimum of eight hours of elective courses in the applicant's professional track, defined as residential transactions, commercial transactions, property management transactions, ranch and/or vacant land transactions.

Post-license educational requirements

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" below for post-licensing educational requirements that apply to brokers during their first licensing renewal period. A qualifying broker must take a four-hour qualifying broker refresher course each renewal cycle.

Service in "lower" category

A qualifying broker candidate who will not be supervising other brokers must have had an active associate broker's license for at least two years of the 60-month period immediately preceding filing of the application.

Effective January 1, 2018, a qualifying broker who will supervise other brokers must have had an active associate broker license for at least four years of the 60-month period immediately preceding filing of the application. Licensees who hold an active or inactive qualifying broker's license on January 1, 2018 are exempt from this requirement.

A qualifying broker candidate who will not be supervising other brokers must have had an active associate broker's license for at least two years of the 60-month period immediately preceding filing of the application. Such a qualifying broker must document at least four years of active experience as an associate broker and qualifying broker before being eligible to supervise other brokers.

A qualifying broker applicant must also submit evidence of "documented qualifying transactional experience totaling 100 points, with at least one transaction accomplished during each of the four years prior to filing of the application. These transactions are to be verified in writing by the applicant's qualifying broker. Transactions involving property owned by the applicant do not count toward the required total." Points are awarded as set forth in N.M. Code R. 16.61.3.10.

Waiver of qualifications for some professionals

"Applicants with current licenses who can document that they were New Mexico qualifying broker's on or before December 31, 2005 are not subject to those requirements and may regain qualifying broker status by filling a trade name registration form and paying the trade name registration fee to the commission."

The Commission must, "as soon as practicable after a military service member, the spouse of a military service member or a recent veteran files an application for an associate broker's or

qualifying broker's license, process the application and issue a license to a qualified applicant who submits satisfactory documentation that the applicant holds a real estate license issued by another licensing jurisdiction, including a branch of the armed forces of the United States, that is current and in good standing, and that has licensing requirements that are substantially equivalent to New Mexico requirements."

Annual fees and filings

A licensee must renew his or her license every three years on or before the last day of the month following his or her month of birth. The licensee must submit:

- a renewal application;
- proof of completion the Commission-approved four-hour qualifying broker refresher course;
- proof of completion of 36 hours of Commission-approved CE courses;
- attendance at one Commission meeting, rule hearing, or disciplinary hearing for at least three hours, or until the Commission goes into executive session, or the hearing/meeting ends, whichever comes first. Attendance may be by live meeting/hearing or by live or recorded distance broadcast, but must be documented by signing into and out of the meeting/hearing;
- the renewal fee;
- "a notarized affidavit of the applicant's acknowledgement of the responsibilities of a qualifying broker, including the direct supervision of all brokers affiliated with the brokerage," except that a qualifying broker applying for renewal who will be supervised by another qualifying broker need not submit this affidavit; and

- "a statement affirming that the qualifying broker substantially fulfilled the supervisory plan filed with the initial application, and a plan outlining the schedule of training and education to be provided or promoted and the policies for supervision in the next licensing cycle, " except that a qualifying broker who is supervised by another qualifying broker need not submit a supervisory plan.

If a licensee does not renew his or her license, the license expires, and the Commission may require the person to apply for a license as if the person had not been previously licensed and to pay a late fee. However, under certain circumstances, the Commission may not require payment of the late fee and reexamination if during a period of one year from the date the license expires,

- the person or the person's spouse is absent from New Mexico on active duty military service; or
- the person is "suffering from an illness or injury of such severity that the person is physically or mentally incapable of making application for a license."

That person must, within three months of his or her permanent return to New Mexico or "sufficient recovery" from illness or injury to allow the person to submit an application, apply to the Commission for a license. The application must include a copy of that person's (or his or her spouse's) military orders or a certificate from the applicant's physician.

Every applicant for an active original or renewal license must provide the Commission with a copy of a certificate from his or her insurance company certifying current errors and omissions insurance coverage.

The following fees may apply to license renewals:

- for each broker's license renewal, a fee not to exceed \$270; and
- for each broker's license renewal, a fee not to exceed \$10 must be credited to the real estate recovery fund if, in the Commission's judgment, assessing the fee is necessary to maintain the fund at its statutory minimum level of \$250,000.

A broker changing his or her address must notify the Commission within 10 days.

A broker whose license has expired may reinstate without re-examination for up to one year by:

- paying a reinstatement fee of three times the regular license renewal fee;
- documenting the completion of 36 hours of Commission-approved continuing education courses; and
- submitting a renewal form.

The Commission may deny an application for an initial or renewal application if the applicant or licensee is not in compliance with a support judgment and order.

Applicant investigation

The Commission may grant a license only to persons it deems to be "of good repute and competent to transact the business of a qualifying broker or an associate broker in a manner that safeguards" the public's interests, and the Commission must require information it deems necessary to determine an applicant's "honesty, trustworthiness and competency." All persons applying for a New Mexico real estate broker's license must submit an arrest record report as a condition of licensure.

All persons applying for or renewing a New Mexico real estate broker's license or upgrading an associate broker's license to a qualifying broker's license must be fingerprinted. Fingerprints and processing fees are submitted electronically to the New Mexico Department of Public Safety from approved live scan vendor sites. Applicants must register on the vendor web site prior to being fingerprinted. The vendor web site address and a list of approved live scan sites are available on the Commission [website](#).

An applicant who is denied licensure will have the right to inspect or challenge the validity of the records resulting from the background check. Criminal history records obtained by the Real Estate Commission will be confidential, and may not be used for any purpose other than conducting background checks.

Examinations

There is no separate qualifying broker's examination.

Other prerequisites

A broker's license applicant must:

- be a legal resident of the United States;
- have reached the age of majority in New Mexico or in the state in which he or she resides;
- have passed the real estate examination; and
- furnish the Commission with a certificate that the applicant has met the educational requirements.

A broker's or associate broker's license application must:

- be made in writing to the Commission;
- contain the required information;
- be accompanied by the "recommendation of two reputable citizens who own real estate in the county in which the applicant resides, which recommendation must certify that the applicant is of good moral character, honest and trustworthy"; and
- include the required license fee.

Every applicant for an active original or renewal license must provide the Commission with satisfactory evidence that he or she has professional liability insurance coverage that meets the minimum terms and conditions.

The following fees may apply to obtaining an original license:

- for each examination, a fee not to exceed \$95;
- for each broker's license issued (and each renewal), a fee not to exceed \$270;
- for each license history, a fee not to exceed \$25; and
- for each initial broker's license (and renewal), a fee not to exceed \$10 must be credited to the real estate recovery fund.

The Commission must maintain the real estate recovery fund at \$250,000 (effective July 1, 2011, the minimum amount in the recovery fund will be \$150,000). If it falls below this amount, the Commission may adjust the annual amount of additional fees to be charged licensees.

The Commission may deny a license application if the applicant is not in compliance with a support judgment and order.

Corporate and entity licensees

Prior to July 1, 2011, a corporation, partnership or association may hold a qualifying broker's license if "at least one member of the partnership or association or one officer or employee of a corporation who actively engages in the real estate business first secures a qualifying broker's license."

An entity's license must:

- bear the qualifying broker's name; and

- contain the trade name under which the entity will conduct real estate brokerage activity.

The provision allowing corporate licenses was repealed, effective July 1, 2011.

ASSOCIATE BROKER QUALIFICATIONS

Associate brokers' requirements are generally the same as for brokers (*see* (QUALIFYING) BROKER QUALIFICATIONS ABOVE), except as follows:

Education

Prior to taking the broker's examination, an applicant must submit certificates of completion of Commission-approved 30-hour pre-licensing courses in each of the following areas: real estate principles and practice, real estate law, and broker basics. Applicants who are currently licensed as real estate salespersons or brokers in other states or jurisdictions will be exempted from completing the real estate principles and practice and real estate law courses in New Mexico if they provide a certified license history from their resident licensing jurisdiction documenting that they have completed these courses or their equivalent.

Examination

The required pre-license education must have been completed within the three years prior to applying to take the broker's examination. Candidates who are licensed as associate brokers and are taking the broker's examination to upgrade to qualifying broker are exempt from the three-year time limit and need only provide documentation of course completion.

An exam applicant currently licensed as a salesperson or broker in other states or jurisdictions is exempted from completing the real estate principles and practice and real estate law courses in new Mexico and from taking the national portion of the broker's exam if he or she can provide a certified license history from their resident licensing jurisdiction documenting that they have completed these courses or their equivalent.

A New Mexico associate broker upgrading his or her license to qualifying broker is exempted from taking the national portion of the broker's examination. License applicants currently licensed by a

state or jurisdiction with a written license recognition agreement are not required to take any of the prescribed pre-licensing courses or take either portion of the broker's examination to be eligible to apply for a New Mexico broker's license.

The examination application fee is \$95. Applicants are required to pass both the state and national portions of the examination with a minimum score of 75 no later than 90 calendar days after the first time they took the examination. Applicants failing to pass both portions within this time frame must re-take and pass both portions of the examination before being eligible to apply for a broker's license.

A person who fails to apply for an associate broker's license within six months of passing both portions of the examination, must re-take both portions unless they provide to the Commission a written explanation for why they failed to meet the deadline.

Post-licensing course

Associate brokers must complete within their first year of licensure, the Commission-approved 30-hour new broker business practices course or the CCIM 101 course.

SALESPERSON QUALIFICATIONS

No relevant provisions were located. Any licensee who held a current New Mexico salesperson's license on January 1, 2006, automatically qualified for an associate broker's license without any additional requirements.

SPECIALIST QUALIFICATIONS

Property management services

Declaration of intent

When a qualifying broker or associate broker offers or intends to offer property management services for others, he or she must declare that intent on a Commission-approved form and satisfy the education and meeting attendance requirements pursuant to N.M. Code R 16.61.3.14.

Education

Qualifying brokers or associate brokers intending to offer property management services must:

- complete the Commission-approved course, Uniform Owner-Resident Relations Act, or a Commission-approved equivalent property management related course, prior to offering property management services, and during every subsequent three-year licensing cycle.
- associate brokers must complete a minimum of six hours of approved continuing education courses in property management selected from the Commission's most current approved-course catalog during each three-year licensing cycle.
- qualifying brokers must complete a minimum of 12 hours of approved continuing education courses in property management selected from the Commission's most current approved-course catalog, during each three-year licensing cycle; and
- attend at least one New Mexico Real Estate Commission meeting, rule hearing, or disciplinary hearing for at least three hours, or until the Commission goes into executive session, or the hearing/meeting ends, whichever comes first, in each three-year licensing cycle. Attendance may be at a live meeting/hearing or by live or recorded distance broadcast.

Sections 61-29-10 amended 2005; § 61-29-4.2 amended 2013; §§ 61-29-4.4, 61-29-22 amended 2011; § 61-29-9 amended 2017, § 61-29-11 amended 2013; regulations amended 2012 except regulations 16.61.3.9 to 3.13 amended 2017, 16.61.7.8 amended 2014, 16.61.11.8 and 16.61.2.8 amended 2018.

[N.M. Stat. §§ 61-29-4.2, -4.4, -9, -10, -11, -22 \(2019\); N.M. Code R. §§ 16.61.2.8; .3.8; .3.9, 3.10, 3.11, 3.12, 3.13, 3.14, .5.11, .7.8, .9.8; .11.8, .16.9, .17.9, 24.9 \(2019\)](#)

New York

New York, Continuing Education Approval

PROVIDER

General requirements

The Secretary of State promulgates rules regarding the method, content, setting and supervision requirements of continuing education real estate courses. In establishing continuing education course requirements, the Secretary of State ([Division of Licensing Services](#)) must "permit alternatives with respect to content and method of presentation in consideration of the type of brokerage practiced and the availability of the sources of such course or courses in different areas of the state."

The following may give continuing education real estate courses:

- an accredited college or university;
- a public or private vocational school;
- a real estate board; and
- a real estate-related professional society or organization.

An approved course may not be "affiliated with or controlled by a real estate broker, salesperson, firm or company or real estate franchise, or controlled by a subsidiary of any real estate broker or real estate franchise."

A course must be presented "in such premises and in such facilities as must be necessary to properly present the course." A course may not be presented in a real estate broker's office, unless otherwise permitted by New York rules.

Approval applications

For a continuing education course to be presented in a classroom setting, a provider must apply for approval at least 60 days before the proposed course is to be given. The application must be on a

form prescribed by the Department of State ("Department"), which application must include the following:

- the applicant's name, address and telephone number;
- if the applicant is a partnership, the partners' names;
- if the applicant is a corporation, the names of any persons who own five percent or more of the entity's stock;
- the course's title, date, location, duration and time;
- the procedure for taking attendance;
- a "detailed outline of the subject matter of each course or seminar containing at least 22 1/2 hours of instruction, or of each course module containing at least one hour of instruction, together with the time sequence of each segment thereof, the faculty for each segment, and teaching techniques used in each segment"; and
- a description of the materials to be distributed to the participants.

Distance learning course approval

The Department may approve computer-based and distance learning courses as long as the provider demonstrates its ability to monitor and verify the licensee's participation for the specified time period. "Distance education" is defined as "an educational process based on the geographical separation of instructor and learner." A provider that wishes to offer a distance learning program must have the program evaluated and approved at least 60 days before it intends to offer the proposed course.

The application must include the following:

- the applicant's name, address and telephone number;
- if applicant is a partnership, the partners' names;
- if the applicant is a corporation, the names of any persons who own five percent or more of the entity's stock;
- the course's title, duration and time;
- a detailed outline of the course's subject matter;
- the time sequence of each major unit and module;
- the course's disk or CD-ROM or access to the on-line course;
- an explanation of the provider's means for monitoring and verifying each student's active participation on an ongoing basis during each instruction module;
- a brief description of the hardware and software; and
- a plan for providing technical support.

To be approved, a distance learning program must meet the following requirements:

- the material must be divided into major units;

- the contents of the major units must be divided into modules;
- the program must "contain a time-default mechanism for inactivity so that a student is not credited when not actively participating in the program";
- the provider must obtain from each student a signed and dated statement that he or she personally completed each module;
- the provider must retain a record of each student's participation in and completion of the program for three years;
- the provider must provide evidence of successful completion of the course to each student in certificate form; and
- the provider must submit to the Department within 15 days the names and license registration numbers of all individuals who successfully completed the course.

Advertising

No specifically relevant provisions were located.

Student records

A provider must maintain attendance records for each session and transmit them to the Department at the course's conclusion.

A distance-learning program provider must retain a record of each student's participation in and completion of a distance-learning program for a period of three years. It must make the records available for the Department's review and inspection.

Certificates of completion

A provider generally must furnish evidence of successful completion of a course to a student in certificate form. The certificate must indicate:

- the approved entity's name;
- the course's name and code number; and
- a statement that the named student satisfactorily completed a continuing education course approved by the Department and the number of hours earned.

The provider's owner or course coordinator must sign and date the certificate.

A distance-education course provider must also provide evidence of successful completion of the course to each student in certificate form. The certificate must include the items listed above and must have affixed to it the provider's official seal.

Other submissions

The course administrator must submit to the department within 15 days the names and license registration numbers of all individuals who successfully complete an approved course.

The renewal period for approved courses is "for 12 months or a part thereof, said period to commence on January 1st or date thereafter and to continue until December 31st."

CONTENT

Each course must have an established curriculum "composed primarily of real estate practice and professional responsibility."

The following types of instruction do not meet continuing education requirements:

- general training or education to prepare a student for passing a real estate examination that is not part of an approved course;
- mechanical office and business skills, including "typing, basic computer skills training, instructional navigation of the world wide web, instructional use of generic computer software, speed reading, memory improvement, report writing, personal motivation, salesmanship and sales psychology"; and

- sales promotion meetings.

MATERIALS

Each course must have "properly prepared written materials of the subject matter which must be distributed as part of the course."

To be approved, a course in a classroom setting must, among other things, include a description of materials to be distributed to the participants.

INSTRUCTOR QUALIFICATIONS

A continuing education course must be "taught by a qualified faculty with attorneys presenting legal subjects." A person intending to present an approved course must first be qualified pursuant to r. 176.11, which requires an instructor to submit a resume to the Department. The instructor must achieve at least 100 points based on the following scale, which includes real estate and instructional experience and academic achievement:

- a maximum of 50 points for work experience, with each year of experience as a licensed real estate broker or salesperson equal to 10 points, experience in a specialized field directly related to real estate equal to 10 points, and experience as an attorney admitted in New York equal to 10 points;
- a maximum of 50 points for teaching experience with each year's experience as an instructor equal to 10 points;
- a maximum of 30 points for "formal academic achievement in a specialized subject matter directly related to real estate," with five points awarded for each 30-hour course successfully completed;
- a maximum of 50 points for "formal training in the techniques of organizing and presenting instructional material"; and
- points for holding one of the following: 20 points for an AAS degree; 30 points for a B.A. or B.S. degree; 40 points for an M.A. or L.L.D. Degree; and 50 points for a B.A., B.S. or M.A. with a Major in Real Estate, provided that the applicant may select only one category.

An approved entity that engages presenters to conduct classes identified as technical subjects, are exempt from the above provisions, except that an approved entity must submit an application to the Department, accompanied by a resume indicating at least three years' experience in the specified technical area.

PRIOR APPROVAL REQUIREMENTS

Approval timing

A provider must apply for continuing education courses, whether to be presented in a classroom setting or as a distance-learning program, 60 days before the proposed course is scheduled to be given.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

A continuing education course is accepted for credit on the basis of attendance only.

Proctors

No relevant provisions were located.

Statutory section 441 amended 2016; regulatory section 177.16 adopted 1979; r. 177.17 and 177.19 amended 1996; r. 177.2 and 177.4 amended 2003; r. 177.20, 177.21 and 177.22 adopted 2003; r. 176.11 amended 2004; r. 177.3 amended 2017.

[N.Y. Real Prop. Law § 441 \(2019\); N.Y. Comp. Codes R. & Regs. tit. 19, §§ 176.11; 177.2, .3, .4, .16, .17, .19, .20, .21, .22 \(Apr. 2019\)](#)

New York, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

A real estate license applicant who does not timely apply for license renewal must pass the written licensing examination. However, a person who was unable to renew his or her license because of his or her induction or enlistment in the U.S. armed forces is not required to take or pass the examination.

The continuing education requirements set forth in § 441(3)(a) do not apply to a licensed broker who is engaged full-time in the real estate business and who has been licensed before July 1, 2008, for at least 15 consecutive years immediately preceding such renewal. **Note:** This exemption is repealed effective July 1, 2021.

The Department may issue a temporary renewal license for the time period it deems appropriate to permit a licensee to submit the required proof of attendance at continuing education courses, if the failure to attend the courses is not the licensee's fault.

A licensee who teaches an approved real estate course or an approved subject offered for continuing education is credited with two hours for each hour of actual teaching.

The Department may grant a waiver for up to two years to any licensee who shows a "bona fide hardship" preventing completion of the continuing education requirements before the renewal application is to be filed. A licensee seeking a waiver must file:

- the appropriate renewal application;
- evidence demonstrating his or her hardship; and
- a written request for the waiver.

Required hours

A licensee must have attended, during the two-year period immediately preceding a renewal, at least "twenty-two and one-half hours and successfully completed a continuing education real estate

course or courses approved by the secretary of state." The licensee must provide an affidavit establishing the nature of the continuing education acquired.

A continuing education course will not be considered for continuing education credit more than once during a two-year renewal cycle.

Minimum class length

A course to be presented in a classroom setting must include a detailed outline of the subject matter of each course or seminar containing at least 22 1/2 hours of instruction, or of each course module containing at least one hour of instruction.

Subjects

Each course must have an established curriculum "composed primarily of real estate practice and professional responsibility."

At least three of an applicant's 22.5 hours of continuing education must pertain to fair housing and/or discrimination in the sale or rental of real property or an interest in real property. Also, effective January 1, 2017, at least one hour must pertain to the law of agency, except that during the initial two-year licensing term for salespersons, two hours of agency related instruction must be completed. Additionally, effective July 1, 2021, at least 2.5 hours of instruction pertaining to ethical business practices and at least one hour of instruction pertaining to recent legal matters governing the practice of real estate brokers and salespersons in New York must be completed.

The following types of instruction do not meet continuing education requirements:

- general training or education to prepare a student for passing a real estate examination that is not part of an approved course;
- mechanical office and business skills, including "typing, basic computer skills training, instructional navigation of the world wide web, instructional use of generic computer software, speed reading, memory improvement, report writing, personal motivation, salesmanship and sales psychology"; and
- sales promotion meetings.

Attendance requirements

Generally, a provider must award continuing education credit on the basis of one hour for each fifty minutes of actual attendance. A licensee may not receive credit for any course or course module presented in a classroom setting if he or she is absent from the classroom for more than 10 percent of the time prescribed for the course or course module, except for "a reasonable and unavoidable cause." If a course or course module is computer-based, a licensee may not receive credit for the course or course module if he or she fails to complete any portion of the course or course module.

Online classes

The Department may approve computer-based and distance learning courses as long as the provider demonstrates its ability to monitor and verify the licensee's participation for the specified time period. "Distance education" is defined as "an educational process based on the geographical separation of instructor and learner."

A distance learning program must meet the following requirements:

- the material must be divided into major units;
- the contents of the major units must be divided into modules;
- the program must "contain a time-default mechanism for inactivity so that a student is not credited when not actively participating in the program";
- the provider must obtain from each student a signed and dated statement that he or she personally completed each module;
- the provider must retain for three years a record of each student's participation in and completion of the program;
- the provider must provide evidence of successful completion of the course to each student in certificate form; and

- the provider must submit to the Department of State within 15 days the names and license registration numbers of all individuals who successfully completed the course.

Other requirements

A licensee may renew his or her application by:

- submitting a renewal application;
- conforming to the requirements of § 3-503 of the general obligations law;
- meeting the continuing education requirements; and
- paying the renewal fee.

The fee for a new or renewed broker's license is \$155. The examination fee is \$15.

Pursuant to the general obligations law § 3-503, every applicant for a new or renewal license must:

- provide his or her social security number on the application; and
- certify in his or her application whether, as of the application date, he or she is under an obligation to pay child support, and if he or she is under such an obligation, whether he or she has met the requirements set forth in § 3-503 regarding his or her payment status.

ASSOCIATE BROKER REQUIREMENTS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON REQUIREMENTS

Exemptions

An applicant who does not timely apply for license renewal must qualify by passing the written licensing examination. However, a person who failed to renew his or her license because of his or her induction or enlistment in the U.S. armed forces is not required to take or pass the examination.

The Department may issue a temporary renewal license for the time period it deems appropriate to permit a licensee to submit the required proof of attendance at continuing education courses if his or her failure to attend the courses is not the licensee's fault.

A licensee who teaches an approved real estate course or an approved subject offered for continuing education is credited with two hours for each hour of actual teaching.

The Department may grant a waiver for up to two years to any licensee who shows a "bona fide hardship" preventing completion of the continuing education requirements before the renewal application is to be filed. A licensee seeking a waiver must file:

- the appropriate renewal application;
- evidence demonstrating his or her hardship; and
- a written request for the waiver.

A salesperson who has received credit for a broker qualifying course may receive continuing education credit for the course for the appropriate period.

Required hours

All licensees are subject to the same hour requirements. (See "BROKER REQUIREMENTS" above.)

A salesperson may receive 19.5 hours of continuing education credit for the successful completion of the 30 hour qualifying course for broker applicants licensed as salespeople before July 1, 2008 (See "LICENSING PREREQUISITES"). A salesperson who uses the qualifying course to fulfill part of his or her continuing education requirements must also complete three hours of instruction in fair housing and/or discrimination in the sale or rental of real property or an interest in real property.

Minimum class length

All continuing education courses are subject to the same minimum class length requirements. (See "BROKER REQUIREMENTS" above.)

Subjects

All continuing education courses are subject to the same subject requirements. (See "BROKER REQUIREMENTS" above.)

Attendance requirements

All licensees are subject to the same attendance requirements. (See "BROKER REQUIREMENTS" above.)

Online classes

All continuing education courses are subject to the distance and online class requirements. (See "BROKER REQUIREMENTS" above.)

Other requirements

All licensees are subject to the same other requirements (see "BROKER REQUIREMENTS" above), except the fee for a new or renewal salesperson's license is \$55.

SPECIALTY LICENSE REQUIREMENTS

No specifically relevant provisions were located.

Statutory section 3-503 amended 1997; § 441-b amended 2017; § 441-a amended 2010; § 441 amended 2019; regulation 177.5 amended 1982; r. 177.1, 177.2, 177.6, and 177.8 amended 2003; r. 177.20, 177.21 and 177.22 adopted 2003; r. 177.18 amended 2008; rr. 177.3 and 177.7 amended 2017.

[N.Y. Real Prop. Law §§ 441, 441-a, 441-b \(2019\); N.Y. Gen. Oblig. Law § 3-503 \(2019\); N.Y. Comp. Codes R. & Regs. tit. 19, §§ 177.1, .2, .3, .5, .6, .7, .8, .18, .20, .21, .22 \(Apr. 2019\)](#)

New York, Licensing Categories

BROKER

A "real estate broker" is a person or entity who, for another and for valuable consideration,

- "lists for sale, sells, at auction or otherwise, exchanges, buys or rents, or offers or attempts to negotiate a sale, at auction or otherwise, exchange, purchase or rental" of real estate;
- collects, or offers or attempts to collect, real estate rent;
- negotiates, or offers or attempts to negotiate, a loan secured by a mortgage, other than a residential mortgage loan or other real estate incumbrance;
- is engaged in the business of a tenant relocater; or
- who performs any of the above functions with respect to "the resale of condominium property originally sold pursuant to the provisions of the general business law governing real estate syndication offerings."

In the sale of lots pursuant article 9-A, the term "real estate broker" includes any person or entity employed by or on behalf of the owner of lots or other real estate parcels, at a stated salary or upon a commission, to sell the real estate in lots or other parcels, and who sells or exchanges the real estate lots or parcels.

ASSOCIATE BROKER

An "associate real estate broker" is a licensed real estate broker who elects to work under the name and supervision of another broker. An associate broker must retain his or her license as a real estate broker, but his or her practice is governed by the statutory provisions as they pertain to real estate salesmen.

SALESPERSON

A "real estate salesman" is a person associated with a licensed real estate broker:

- to "list for sale, sell or offer for sale, at auction or otherwise, to buy or offer to buy or to negotiate the purchase or sale or exchange of real estate";
- to negotiate a loan on real estate other than a mortgage loan;

- to "lease or rent or offer to lease, rent or place for rent any real estate";
- to collect, offer or attempt to collect real estate rent; or
- who performs any of the above functions "with respect to the resale of a condominium property originally sold pursuant to the provisions of the general business law governing real estate syndication offerings."

SPECIALIST CATEGORIES

Office manager

An "office manager" is a licensed associate real estate broker who elects to work as an office manager under the name and supervision of another licensed broker. He or she must retain his or her license as a real estate broker, but the individual's real estate practice is governed by the statutory provisions as they pertain to real estate salesmen.

Section amended 2006.

[N.Y. Real Prop. Law § 440 \(2019\)](#)

[New York, Licensing Exemptions](#)

N.Y. real estate licensing laws do not apply to the following:

- "receivers, referees, administrators, executors, guardians or other persons appointed by or acting under" a judgment or court order;
- public officers performing their official duties; and
- attorneys at law.

Also, tenant associations and not-for-profit corporations authorized to enforce the New York City housing maintenance code "to manage residential property owned by such city or appointed by a court of competent jurisdiction to manage residential property owned by such city" are exempt from the state's licensing provisions with respect to the managed properties.

Section 442-f amended 1927; § 440-a amended 2006.

[N.Y. Real Prop. Laws §§ 440-a, 442-f \(2019\)](#).

New York, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

An applicant must have attended and successfully completed at least 120 hours of approved real estate courses.

If the applicant is a licensed salesman and has submitted acceptable proof of having attended and successfully completed 75 hours of approved real estate courses within eight years of the application date, the Department may accept and credit those courses against the 120-hour requirement. The [Department](#) may approve computer-based and distance-learning courses as long as the providers "demonstrate the ability to monitor and verify participation by the applicant for the specified time period." However, the Department may require specified subjects or hours to be presented in a classroom setting.

The educational qualifications for real estate broker's license require the completion of:

- an approved real estate salesperson's course, except that a salesperson who was licensed before November 1, 1979, may substitute 45 hours of approved continuing education in place of a salesperson's course; and
- an approved real estate broker's course, which must consist of the topics set forth in r. 176.4 and include a 3-hour final examination.

An applicant who successfully completed the 45 hour salesperson qualifying course prior to July 1, 2008 may take a 30 hour supplemental course (32 hours, including the final exam). The supplemental course may be used by the applicant in conjunction with the 45 hour salesperson

qualifying course towards satisfying the educational requirements for licensure as a real estate broker.

The following are the required subjects to be included in the supplemental course and the required number of hours to be devoted to each such subject:

- contract preparation 1 hour;
- predatory lending 1 hour;
- pricing properties 1 hour;
- municipal agencies 2 hours;
- property insurance 2 hours;
- taxes and assessments 3 hours;
- condominiums and cooperatives 4 hours;
- commercial and investments properties 10 hours;
- income tax issues in real estate transactions 3 hours;
- mortgage brokerage 1 hour;
- property management 2 hours; and

- final exam 2 hours.

Service in "lower" category

An applicant must either have actively participated in the general real estate brokerage business as a licensed salesman under a broker's supervision for at least two years or have had equivalent experience in the general real estate business for at least three years. The nature of that experience must be established by affidavit and any other proof required by the Department.

An applicant receives credit for experience according to the point system set forth in r. 179.3, in which 1750 points equates one year of full-time experience. The experience point system awards various points for specified real estate activities.

Waiver of qualifications for some professionals

The Department will recognize the license issued by another state as qualifying an individual for a New York license, provided that the other state's laws:

- require its real estate license applicants to take a written examination; and
- issues licenses to New York licensees without examination.

Evidence of the successful completion of a course of study at any approved and accredited college or university that has a program leading to a recognized collegiate degree that includes a real estate major may be deemed acceptable for the educational credit required by r. 176.3 and r. 176.4, provided:

- attendance at the real estate course contains at least the number of hours required for licensure;
- the applicant presents evidence of the bachelor's degree; and
- the applicant presents evidence that he or she has passed the required real estate course.

Annual fees and filings

A licensee may renew his or her application by:

- submitting a renewal application;
- conforming to the requirements of § 3-503 of the general obligations law;
- meeting the continuing education requirements; and
- paying the renewal fee.

The fee for a new or renewed broker's license is \$155. The examination fee is \$15.

Pursuant to § 3-503 of the general obligations law, every applicant for a new or renewal license must:

- provide his or her social security number on the application; and
- certify in his or her application whether, as of the application date, he or she is under an obligation to pay child support, and if he or she is under such an obligation, whether he or she has met the requirements set forth in § 3-503 regarding his or her payment status.

Applicant investigation

For the purpose of investigating real estate license an applicant's or licensee's "character, competency and integrity," or investigating his or her "business, business practices and business methods," the Department may:

- subpoena and bring before the Department any person in New York;
- require the production of any books or papers relevant to the inquiry; and
- take the testimony of any person or have his or her deposition taken.

Examinations

An approved real estate broker's course must include a three-hour final examination.

A broker's applicant must pass a written examination to determine the following:

- the trustworthiness of an applicant if an individual (of each member, if a co-partnership or a limited liability company ("LLC"), or of each officer, if a corporation; and
- the applicant's competency to transact real estate broker business in a manner to safeguard the public's interests.

In determining that competency, the department must require proof that the person being tested for a broker's license has:

- a fair knowledge of English;
- a fair understanding of the "general purposes and general legal effect of deeds, mortgages, land contracts of sale, and leases";
- a "general and fair understanding of the obligations between principal and agent"; and
- an understanding of the provisions of § 441.

Other prerequisites

A broker's license applicant must:

- be at least 20 years of age (prior to July 1, 2008, the minimum age was 19); and
- be a U.S. citizen or an alien lawfully admitted for permanent residence in the United States.

A person may not obtain a real estate license if he or she:

- has been convicted of a felony and has not received an executive pardon or a certificate of good conduct from the parole board; and
- does not meet the requirements of § 3-503 of the general obligations law.

An applicant must file with the Department an application for the kind of license desired. If the application is for a broker's license, it must set forth the following:

- the applicant's name and residence address;
- if an individual, the name under which he or she intends to conduct business;
- if the applicant is a copartnership, each member's name and residence address and the name under which the business will be conducted;
- if the applicant is an LLC, its name and each member's name and residence;

- if the applicant is a corporation, its name and each officer's name and residence address;
- the place or places at which the business will be conducted;
- information regarding the business or occupation engaged in by the applicant (if a copartnership, by each member; if a LLC, by each member; and if a corporation, by each officer) for a period of two years immediately before the application date; and
- the form, information and statement required by § 3-503 of the general obligations law.

A real estate license application:

- must be subscribed to by the applicant (if by a co-partnership, subscribed to by a member and if by a corporation, subscribed to by an officer);
- must conform to the requirements of § 3-503 of the general obligations law;
- must contain an affirmation by the subscribing person that the statements "are true under the penalties of perjury"; and
- must be accompanied by the appropriate license fee.

Corporate or other entity licenses

A real estate license application, if made by a co-partnership or corporation, must be subscribed to by a member or officer, respectively. It must also conform to the requirements of § 3-503 of the general obligations law.

A license to a corporation entitles the president or another designated officer to act as a real estate broker. Each other officer who desires to act as a broker on behalf of the corporation must obtain an additional license expiring on the same date as the corporation's license. An officer of a

corporation, a manager or member of an LLC or a member of a co-partnership licensed as a real estate broker may not obtain a salesman's license.

If the licensee is a co-partnership,

- its license entitles one member to act as a real estate broker; and
- each firm member who desires to act as a broker must obtain an additional license expiring on the same date as the co-partnership's license.

If the licensee is an LLC,

- its license entitles one member or one manager to act as a broker; and
- each other member or manager who desires to act as a broker must obtain an additional license expiring on the same date as the company's license.

A broker's license applicant may not use a trade or corporate name that is so similar to the trade or corporate name of a licensed broker that it will confuse the public.

ASSOCIATE BROKER QUALIFICATIONS

No specifically relevant provisions were located. See "BROKER QUALIFICATIONS" above.

SALESPERSON QUALIFICATIONS

Education

A salesman's license or conditional license applicant must have attended at least 75 hours and "successfully completed a real estate course or courses approved by the secretary of state." The Department may approve computer-based and distance-learning courses as long as the providers "demonstrate the ability to monitor and verify participation by the applicant for the specified time period." However, the Department may require specified subjects or hours to be presented in a classroom setting. See r. 176.3 for a detailed list of the required subjects that must be included in the salesperson's course of study and the required number of hours that must be devoted to each subject.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

All licensees are subject to the same waiver-related provisions. (See "BROKER QUALIFICATIONS" above.)

Annual fees and filings

All licensees are subject to the same annual filing requirements (see "BROKER REQUIREMENTS" above), except that the fee for a new or renewal salesperson's license is \$55.

Applicant investigation

All licensees are subject to the same investigation provisions. (See "BROKER QUALIFICATIONS" above.)

Examinations

A salesman's license applicant must take a written examination that enables the Department to determine the applicant's trustworthiness and competence to transact the business of a real estate salesman in a manner that safeguards the public's interests. The exam must test the applicant's:

- knowledge of the basic concepts of law pertaining to contracts, real property, agency and article 12-A of the New York's real property laws;
- mastery of the "basic skills needed to perform the applicant's duties";
- working knowledge of a salesman's ethical obligations; and
- knowledge of the general obligations law provisions pertaining to an applicant's performance of his or her duties.

Other prerequisites

The fee for a new or renewal salesperson's license is \$55.

A salesman's license applicant must be "over the age of eighteen years." A person may not obtain a real estate license if he or she:

- has been convicted of a felony and has not received an executive pardon or a certificate of good conduct from the parole board; and
- does not meet the requirements of § 3-503 of the general obligations law.

An applicant must file with the Department an application for the kind of license desired.

A real estate license application:

- must be subscribed to by the applicant;
- must conform to the requirements of § 3-503 of the general obligations law;
- must contain an affirmation by the subscribing person that the statements "are true under the penalties of perjury"; and
- must be accompanied by the appropriate license fee.

A salesman's license application must set forth the following:

- the applicant's name and residence address;

- the name and principal business address of the broker with whom the applicant will be associated;
- information regarding the applicant's business or occupation that he or she engaged in for the two years immediately before the application date;
- the length of time the applicant has been engaged in the real estate business; and
- the form, information and statement required by § 3-503 of the general obligations law.

SPECIALIST QUALIFICATIONS

No relevant provisions were located.

Statutory section 442-g amended 2014; § 441-b amended 2017; §§ 440-a amended 2010; § 441-a amended 2012; § 441 amended 2016; regulation 176.26 adopted 2008; r. 175.18 adopted 1962; r. 176.15 amended 1979; r. 179.1, 179.2 and 179.3 adopted 1993; r. 176.4 amended 2004; r. 176.3 amended 2017.

[N.Y. Real Prop. Law §§ 440-a, 441, 441-a, 441-b, 442-g \(2019\); N.Y. Comp. Codes R. & Regs. tit. 19, §§ 175.18; 176.3, .4, .15, .26; 179.1, .2, .3 \(Apr. 2019\)](#)

North Carolina

North Carolina, Continuing Education Approval

Note: Effective July 1, 2020 the Real Estate Commission will be certifying "private real estate education providers." Such a provider is defined as an "individual or real estate educational entity which is privately owned and conducting for a profit or tuition charge, real estate broker prelicensing, postlicensing, or continuing education courses." It is expected regulations will be promulgated regarding this process.

PROVIDER

General requirements for update-course providers

The [North Carolina Real Estate Commission](#) ("Commission") will approve an update-course applicant that has submitted all information required by the Commission and paid the application fee, if applicable.

Continuing education sponsors must designate in writing to the Commission one person to serve as the continuing education coordinator. Each continuing education coordinator must view the Commission's Continuing Education Coordinator video electronically within 30 days of initial designation and annually within 45 days immediately preceding expiration of sponsor approval.

General requirements for elective-course providers

For an elective course, the Commission must approve the sponsor, the instructor and the course itself. An applicant must meet the following requirements to obtain the Commission's approval of a proposed elective course:

- the applicant must submit all required information and pay the application fee, if applicable;
- the applicant must satisfy the requirements relating to course sponsor qualifications or eligibility;
- the course must "cover subject matter related to real estate brokerage practice and offer knowledge or skills that will enable brokers to better serve real estate consumers and the public interest:"
- offer four continuing education credit hours;
- the course must involve at least four classroom hours of instruction, with a classroom hour consisting of 50 minutes of instruction and 10 minutes of break time;

- the course instructor must possess the required qualifications;
- the course must either involve live instruction in a traditional classroom setting or comply with the distance education requirements;
- the application for original approval must be accompanied by a copy of the course guide, which must include "course objectives, learning objectives for each topic, a timed outline, instructional methods and aids to be employed, and all materials that will be provided to students;"
- the course must include handout materials for students that provide the information to be presented in the course;
- the provider must use any copyrighted materials in a form approved by the copyright holder.

Sponsors must establish an all-inclusive cost to be charged to students taking any continuing education course. and written course cancellation and refund policies. If a sponsor cancels a scheduled course, registered students must be notified within 24 hours. Sponsors must refund all prepaid fees received from registered students within 30 days of the date of cancellation, or with the student's written permission apply the refund toward another course.

Approval applications

An entity seeking original approval of a proposed elective course must:

- apply on a form prescribed by the Commission;

- submit a nonrefundable fee of \$100 per course, except that no fee is required if the entity is an accredited community college, junior college, college or university located in North Carolina or a federal, state or local government agency;
- submit a copy of the course plan or instructor's guide; and
- submit a copy of materials to be provided to the students.

Continuing education sponsors must designate in writing to the Commission one person to serve as the continuing education coordinator. Each continuing education coordinator must view the Commission's Continuing Education Coordinator video electronically within 30 days of initial designation and annually within 45 days immediately preceding expiration of sponsor approval.

An entity that is not a North Carolina resident must also file a consent to service of process.

Distance learning course approval

A "distance education" is "a method of instruction accomplished through the use of media whereby teacher and student are separated by distance or time."

If the elective course will be taught by any method other than live, in-person, in-class instruction, the applicant must submit, along with the approval application

- a full copy of the course on the medium to be utilized for instruction;
- a description of the method by which the sponsor will verify and record student attendance;
- a list of hardware and software or other equipment necessary to both offer and complete the course;

- the contact information for the technical support service for the course; and
- a copy of the student orientation and course tutorial information.

Additionally, the applicant must, upon request, make available, at a date and time satisfactory to the Commission and at the applicant's expense, all hardware and software necessary for the Commission to review the submitted course. In the case of an Internet-based course, the Commission must be provided access to the course at a date and time set by the Commission.

The sponsor of an approved distance-education elective course:

- may not permit students to register for the course between June 11 and June 30 of any approval period; and
- must require students to complete the course within 30 days of the registration date or the date the student is provided the course materials and permitted to begin work, whichever is later, provided that the deadline for course completion in any approval period may not be later than June 10.

Before accepting course fees, a course sponsor must advise all students registering for a distance education course of the course-completion deadlines.

Advertising

Advertising may not be "false or misleading in any respect." All course advertisement and promotional materials must specify the number of continuing education credit hours to be awarded by the Commission for the course.

Promotional materials must clearly describe the fee and the sponsor's cancellation and fee-refund policies.

Endorsements or recommendations of any person or organization may not be used in advertising, unless the person or organization has consented in writing to their use and has not received any

compensation for the endorsement or recommendations.

Student records

A course sponsor must retain for three years records of student registration and attendance for each continuing education course session, and make the records available to the Commission upon request.

Certificates of completion

A course sponsor must provide each licensee who satisfactorily completes an approved continuing education course with a course completion certificate on a Commission-provided form within 15 calendar days following the course, but in no case later than June 15. The licensee must retain the certificate as proof of having completed the course.

If a sponsor determines that a licensee failed to comply with the attendance or student-participation standards, it may not provide the licensee with a course completion certificate or include the licensee's name on the reports verifying completion of continuing education. The attendance standards require a licensee to attend at least 90 percent of the scheduled hours for the course.

Other submissions

The Commission may establish the following fees:

- a course application fee of \$100 for the review and approval of a proposed continuing education course;
- an annual renewal fee of no more than \$75 (current renewal fee is \$50 per course, plus a \$100 materials fee if renewing approval to offer an update course); and
- a fee of \$10 for each licensee completing an approved continuing education course.

The Commission may not charge a course application fee, a course renewal fee or any other fee for a continuing education course sponsored by an accredited community college, junior college, college or university located in North Carolina.

Upon the Commission's written request, the sponsor of an approved elective course must submit to the Commission a video recording of the course being taught by a particular instructor, recorded within the previous 12 months.

Course sponsors must submit to the Commission, along with the \$10 per student fee, a CE Roster Report verifying completion of a continuing education course for each licensee who satisfactorily completes the course and desires continuing education credit. The reports must:

- include "name and license number of each student completing the course, course completion date, sponsor name and Commission-assigned sponsor number, course instructor's name and number, and course name and number;
- be transmitted electronically via the Internet; and
- be submitted within seven days following the end of the course, but in no case later than June 15.

Commission approval of all continuing education elective courses and update course sponsors expires on the June 30 following the issuance date. Continuing education sponsors may not offer, conduct, or allow a student to complete any course and offer continuing education credit between June 11 and June 30, inclusive.

Sponsors must also:

- provide the Commission written notice of all scheduled course offerings no later than 10 days before a scheduled course date, which notice must include the sponsor's name and assigned number and the course's name and assigned number, the scheduled date and time, the location and the instructor's name, and must also notify the Commission of the course meeting dates and times; and

- notify the Commission of any schedule changes or course cancellations at least five days before the original scheduled course date, or, if a change or cancellation occurs within five days before the scheduled course date, such notice must be provided within 24 hours of the change or cancellation.

CONTENT

Update-course content

To renew a license on active status, a real estate broker must complete, in addition to satisfying the continuing education elective requirement, a Commission-developed update course consisting of four classroom hours. The Commission determines the subject matter of the course and produces the instructor and student materials. The Commission prepares a new course for each one-year period beginning July 1 and ending the next June 30.

Elective-course content

Continuing education elective courses must "cover subject matter related to real estate brokerage practice and offer knowledge or skills that will enable brokers to better serve real estate consumers and the public interest."

Courses may be no longer than eight classroom hours in one day, including breaks. The maximum permissible class session without a break is 90 minutes. Courses scheduled for more than four hours in a day must include a meal break of at least one hour.

MATERIALS

For the required update course, sponsors must use the Commission-developed course materials and conduct the course exactly as prescribed by the course materials. Sponsors must provide licensees participating in their classes a copy of the Commission-developed student materials. With the Commission's prior approval, course sponsors and instructors may modify the update course materials if the course is being promoted to and conducted for a specialized group of licensees, as long as the modifications relate to the same general subject matter and the "course as modified achieves the same educational objectives as the unmodified Update course."

INSTRUCTOR QUALIFICATIONS

Update-course instructors

The Commission must approve update-course instructors separately from the update-course sponsors. Approval of an update-course instructor authorizes the instructor to teach the update course for any approved update-course sponsor. However, an approved update-course instructor may not conduct an update course independently unless he or she is also an approved sponsor. An instructor must obtain the Commission's written approval before teaching an update course and before representing to any sponsor that he or she is or may be approved as an update-course instructor.

An instructor applicant must demonstrate that he or she possesses good reputation and character and has:

- a North Carolina real estate broker license that is not on provisional status;
- completed continuing education sufficient to activate a license under 21 N.C. Admin. Code 58A-1702;
- completed 60 semester hours of college-level education at an institution accredited by a college accrediting body recognized by the U.S. Department of Education;
- effective July 1, 2019, completed the New Instructor Seminar within the previous six months; and
- within the previous seven years has either: (a) two years full-time experience in real estate brokerage with at least one year in North Carolina; (b) three years of instructor experience at a secondary or post-secondary level; (c) real estate prelicensing or postlicensing instructor approval in another jurisdiction; or (d) qualifications found to be equivalent by the Commission, including a current North Carolina law license and three years' full time experience in commercial or residential real estate transactions or representation of real estate brokers or firms.

In order to complete the New Instructor Seminar, a broker must:

- attend at least 90 percent of all scheduled hours; and

- demonstrate the ability to teach a 15-minute block of a single Prelicensing topic in a manner consistent with the course materials.

Commission approval of update course instructors expire annually on June 30 following issuance of approval. An approved instructor must file an electronic application for renewal of approval within the 45 days immediately preceding expiration of approval.

Elective course instructors

An elective course instructor must be qualified under one of the following standards:

- possess a baccalaureate or higher degree in a field directly related to the course's subject matter;
- have three years' full-time work experience during the previous 10 ten years that is directly related to the course's subject matter;
- have three years' full-time experience during the previous ten years teaching the course's subject matter; or
- have education or experience that the Commission finds to be the equivalent of one or more of the above standards.

PRIOR APPROVAL REQUIREMENTS

Approval timing

Prospective sponsors of an update course or an elective course must obtain the Commission's written approval before conducting the course and before advertising or otherwise representing that the course is or may be approved for continuing education credit.

Approval after class date

No relevant provisions were located.

EXAMINATION

Examination requirements

No relevant provisions were located.

Proctors

No relevant provisions were located.

Section 93A-4.1 repealed 2019, effective July 1, 2020; § 93A-32 amended 2019, effective July 1, 2020; regulations all promulgated 2017; r. 58H.0404 amended 2018; r. 58H.302 amended 2019;

[N.C. Gen. Stat. §§ 93A-4.1](#) (repealed by [N.C. Sess. L. 2019-195](#)), [-32](#), [-34](#), [-35](#) (all as amended by [N.C. Sess. L. 2019-195](#)); [21 N.C. Admin. Code 58H.0101, .0302, .0306, .0402, .0403, .0404, .0406, .0407, .0408, .0409, .0410, .0411, .0412, .0413, .0404 \(2019\)](#)

North Carolina, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

A broker-in-charge who resides outside of North Carolina and who is the broker-in-charge of an office not located in North Carolina is not required to complete the broker-in-charge course or the special continuing education course required for brokers-in-charge.

A broker on active status may obtain a time extension to satisfy the continuing education requirement for a license period if he or she was unable to obtain the necessary education "due to an incapacitating illness, military deployment, or other circumstance" that:

- existed for a portion of the license period; and

- constituted a "severe hardship" evidenced by supporting documentation so that complying with the continuing education requirement was "impossible or burdensome."

Under no circumstances may the extension of time extend the deadline for completion of continuing education beyond June 10 of the license year following the license year in which the request is made.

Real estate brokers licensed in North Carolina, but residing in another state and having a business address in another state at the time they apply for license renewal, may satisfy the continuing education requirement if the nonresident licensee:

- holds an active real estate license in another state and certifies that he or she holds that license;
- within one year before the license's expiration, completes either (a) the required update course plus one approved continuing education elective course or (b) two approved continuing education elective courses;
- within one year before the license's expiration, completes eight classroom hours in courses approved for continuing education credit in the licensee's state of residence or in the state in which he or she took the course, provided certain other specified conditions are met; or
- obtains eight hours "equivalent credit for a course or courses not approved by the Commission or for related educational activities," provided certain other requirements are met.

No continuing education is required:

- to renew an inactive broker's license, but the licensee must satisfy the continuing education requirement to change to active status; or
- for a licensee who is a member of the U.S. Congress or the North Carolina General Assembly to renew his or her license on active status.

A licensee may request that the Commission award elective continuing education credit for a course taken by the licensee that is not approved by the Commission, or for some other real estate education activity, by making the request and submitting an evaluation fee of \$50 for each request on or before June 10 (except that the Commission must receive by June 30 requests from instructors desiring equivalent credit for teaching Commission-approved continuing education courses). Real estate education activities, other than teaching a Commission-approved course, that may be eligible for credit include the following:

- developing a Commission-approved elective continuing education course;
- writing a published real estate textbook; and
- writing a published scholarly article on a topic acceptable for continuing education purposes.

The Commission may also award continuing education elective credit for activities the Commission finds to be the equivalent of the elective course component of the continuing education requirement. The Commission may award credit for the mandatory course requirement only to licensees who teach the Commission-developed mandatory update course. The Commission may award credit for teaching an approved elective course only to a licensee who is teaching a course for the first time. Instructors are not subject to the \$50 evaluation fee when applying for continuing education credit for teaching an approved course. A licensee may not receive continuing education credit for teaching a real estate prelicensing or post-licensing course.

Required hours

To renew a broker's license on active status, a licensee must, upon the second renewal of the license following initial licensure and upon each subsequent annual renewal, have completed during the one year preceding the license's expiration, eight classroom hours of approved real estate continuing education courses. Four of the required classroom hours must be a mandatory update course developed annually by the Commission, known as the General Update Course, or for a broker-in-charge, the Broker-In-Charge Update Course in lieu of the General Update Course. The remaining four hours must be approved elective courses.

For a broker changing an inactive license to active status on or after the broker's second license renewal following his or her initial licensure, if the inactive license has not been on active status since the preceding July 1 and the broker has a deficiency in his or her continuing education record

for the previous license period, the broker must make up the deficiency and satisfy the continuing education requirement for the current license period. A licensee may make up a deficiency by completing approved continuing education elective courses, but those courses are not credited toward the continuing education requirement for the current license period.

In order to continue to serve as a broker-in-charge, the broker must complete during each license period the mandatory four-hour continuing education course known as the "Broker-In-Charge Update Course" and any Commission-approved continuing education elective course. The Broker-In-Charge Update Course must be taken initially by a broker-in-charge during the first full license year following the license year of the licensee's broker-in-charge designation and must be taken each license year thereafter. A broker-in-charge or broker who is broker-in-charge eligible who takes the General Update Course rather than the Broker-In-Charge Update Course will receive continuing education update course credit for taking the course only credit for the purpose of retaining active license status and will not be deemed to have satisfied the requirement to take the Broker-In-Charge Update Course in order to retain broker-in-charge status or eligibility.

A licensee may not receive continuing education credit for completing a real estate prelicensing or post-licensing course.

Minimum class length

An elective continuing education course must consist of at least four classroom hours of instruction. A "classroom hour" consists of 50 minutes of instruction and 10 minutes of break time. The maximum number of credit hours that may be awarded for an elective course is also four hours.

Subjects

To renew a license on active status, a real estate broker must, in addition to satisfying the continuing education elective requirement, complete a Commission-developed update course consisting of four classroom hours. The Commission determines the subject matter of this course and produces the instructor and student materials. The Commission prepares a completely new course for each one-year period beginning July 1 and ending the next June 30.

Continuing education elective courses must "cover subject matter related to real estate brokerage practice and offer knowledge or skills that will enable brokers to better serve real estate consumers and the public interest."

A licensee must take a continuing education course only once for credit within a single license period.

Attendance requirements

In order to receive credit for an approved continuing education course, a licensee must attend at least 90 percent of the scheduled classroom hours. The licensee may not receive any credit for attending less than 90 percent of the scheduled classroom hours. With the instructor or the sponsor's permission, a 10 percent absence allowance is permitted for any reason at any time during the course, except that it may not be used to skip the last 10 percent of the course unless the absence is approved by the instructor and for circumstances beyond the broker's control that could not have been reasonably foreseen by the broker such as an illness, a family emergency, or acts of God.

Effective October 2019, the [12-hour Broker-in-Charge course](#) is comprised of two segments, an 8-hour online prerequisite segment and a 4-hour live segment taught by Commission staff. A licensee may select either a "live online" or "live classroom" environment for the 4-hour segment.

Online classes

A "distance education" is "a method of instruction accomplished through the use of media whereby teacher and student are separated by distance or time."

The sponsor of an approved distance-education elective course:

- may not permit students to register for the course between June 11 and June 30 of any approval period; and
- must require students to complete the course within 30 days of the registration date or the date the student is provided the course materials and permitted to begin work, whichever is later, provided that the deadline for course completion in any approval period may not be later than June 10.

Other requirements

Licenses expire on the 30th day of June following issuance. A licensee may renew his or her license 45 days before its expiration date by filing an application and paying the license renewal fee of \$30

(unless the Commission sets the fee at a higher amount which may not exceed \$50). The fee for reinstatement of an expired license is \$55. If a licensee fails to reinstate the license within six months after its expiration date, the Commission may, in its discretion, consider the person as not having been previously licensed and make him subject to the original licensing provisions, including the examination requirements.

If on December 31 of any year, the amount remaining in the Real Estate Recovery Fund is less than \$50,000, the Commission may assess each licensee upon renewal a fee not to exceed \$10 per broker to replenish the fund.

PROVISIONAL BROKER REQUIREMENTS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above. However, each person who is issued a real estate broker license on or after April 1, 2006, must within three years following initial licensure, satisfactorily complete a postlicensing education program consisting of 90 hours of classroom instruction or possess real estate education or experience in real estate transactions that the Commission finds to be the equivalent to the education program. See "Licensing Prerequisites" for a description of the post-licensing educational requirements.

The issuance of a broker license on provisional status on April 1, 2006, to licensees who held a salesperson license does not constitute "initial licensure" for continuing education purposes.

SALESPERSON REQUIREMENTS

No relevant provisions were located.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section 93A-4 amended 2019, effective July 1, 2020; § 93A 4.1 repealed 2019, effective July 1, 2020; § 93A-16 amended 2011; regulation 58A.1706 effective 1994; r. 58A.1707 amended 1995; r. 58A.1704 amended 2006; all other regulations amended 2017; rr. 58A.1702, .1703, .1711 amended 2018.

[N.C. Gen. Stat. §§ 93A-4](#) (amended by [N.C. Sess. L. 2019-195](#)), [-4.1](#) (repealed by [N.C. Sess. L. 2019-195](#)), [-16 \(2018\)](#); [21 N.C. Admin. Code 58A.0103](#); [.0110](#), [.1702](#), [.1703](#), [.1704](#), [.1705](#), [.1706](#), [.1707](#), [.1708](#), [.1709](#), [.1711](#) (2019); [N.C. Real Estate Comm'n, Continuing Education FAQs](#)

North Carolina, Licensing Categories

BROKER

A "broker" is a person or entity who, for compensation or consideration,

- "lists or offers to list, sells or offers to sell, buys or offers to buy, auctions or offers to auction (specifically not including a mere crier of sales), or negotiates the purchase or sale or exchange of real estate";
- leases or offers to lease, or sells or offers to sell leases; or
- rents or offers to rent any real estate or improvement.

A "broker-in-charge" is "a real estate broker who has been designated as the broker having responsibility for the supervision of brokers on provisional status engaged in real estate brokerage at a particular real estate office and for other administrative and supervisory duties."

A person or entity may not "act as a real estate broker, or directly or indirectly to engage or assume to engage in the business of real estate broker or to advertise or hold himself or herself or themselves out as engaging in or conducting such business without first obtaining a license."

PROVISIONAL BROKER

A "provisional broker" is a real estate broker who, pending acquisition and documentation of the education or experience requirements, must be supervised by a broker-in-charge when performing an act for which a real estate license is required.

SALESPERSON OR AGENT

A "salesperson" is a person who was formerly licensed as a real estate salesperson before April 1, 2006.

SPECIALIST CATEGORIES

Time-share developers

North Carolina law that addresses time-share developers and salespersons requires a real estate broker's license and a certificate of registration for the time share project to be offered for sale, but that person need not obtain a specialist license.

Limited nonresident commercial licenses

A person who is a resident of another state may "perform the acts or services of a real estate broker in North Carolina in transactions involving commercial real estate if said person first applies for and obtains a limited nonresident commercial real estate broker license." Business entities are ineligible for such licensure.

Sections 93A-1, 93A-40 amended 2005; § 93A-2 amended 2016; § 93A-41 amended 2011; regulation amended 2016.

[**N.C. Gen. Stat. §§ 93A-1, -2, -40, -41 \(2018\); 21 N.C. Admin. Code 58A.1801 \(2019\)**](#)

North Carolina, Licensing Exemptions

North Carolina's real estate licensing laws do not apply to the following:

- a person or business entity who, as owner or lessor, performs any real estate acts with reference to property he, she or it owns or leases, provided the acts are performed in the regular course of or as incident to managing that property and the investment in it, which exemption extends to officers and employees, general partners and managers of exempt entities when such persons are engaged in acts or services for which the corporation, partnership or limited liability company would be exempt;
- an attorney-in-fact under a power of attorney;
- an attorney-at-law's acts or services constituting the practice of law under North Carolina law;
- a receiver, bankruptcy trustee, guardian, administrator or executor;
- a person acting under court order;
- a trustee under a written trust agreement, deed of trust or will, or that person's regular salaried employees;

- a salaried person employed by a licensed real estate broker for an owner of any real estate that the licensed broker has contracted to manage for the owner, provided certain specified conditions are met;
- an individual owner who personally leases or sells his or her own property; or
- a housing authority and its regular salaried employees, provided this exception does not apply to a person or business entity that contracts with a housing authority to sell or manage property owned or leased by the housing authority.

Section amended 2016.

[N.C. Gen. Laws § 93A-2 \(2018\)](#)

North Carolina, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A broker's license applicant must:

- during the three years before the application date, have satisfactorily completed a certified education program consisting of at least 75 hours of classroom instruction in subjects determined by the [Real Estate Commission](#); or
- have "real estate education or experience in real estate transactions which the Commission must find equivalent to the education program."

To serve as a broker-in-charge, a broker must:

- have an active license;
- have at least two years' full time real estate brokerage experience (or equivalent four years of part-time experience) during the previous five years or "real estate education, such as completion of the North Carolina GRI program or other education relating to brokerage practice and supervision of brokers, or experience, such as a significant number of independent personal transactions or experience handling real estate transactions as an employee exempt from licensure on behalf of an entity also exempt from licensure; and
- complete an education program for brokers-in-charge, of 12 hours, either during the three years before designation as a broker-in-charge or within 120 days after being designated as a broker-in-charge.

A broker who was the broker-in-charge of an office on April 1, 2006, whose broker-in-charge declaration the Commission received before that date, and who completed the Commission's broker-in-charge course during the five years before April 1, 2006 (or within 120 days following his or her designation as a broker-in-charge), may continue to serve as a broker-in-charge until his or her eligibility is terminated.

Post-licensing educational requirements

In addition to the continuing education elective requirement, to renew an active-status license a broker must complete within one year preceding license expiration a Commission-developed General Update Course of four hours. A broker-in-charge or broker who is eligible to be a broker-in-charge must complete a Commission-developed Broker-in-Charge Update Course in lieu of the General Update Course.

See also "PROVISIONAL BROKER'S QUALIFICATIONS" for post-licensing educational requirements that apply to certain brokers.

Service in "lower" category

A broker license applicant must:

- during the three years before the application date, have satisfactorily completed an approved education program consisting of at least 75 hours of classroom instruction in subjects determined by the Commission; or
- have "real estate education or experience in real estate transactions which the Commission must find equivalent to the education program."

A broker-in-charge must:

- certify his or her experience qualifications described in *Education*, above, in the declaration he or she submits to the Commission; and
- provide to the Commission upon request evidence that he or she had the required experience.

A broker-in-charge, upon the written request of either the Commission or a broker who has been affiliated with the broker-in-charge, must provide the Commission or broker a written statement regarding his or her work.

A provisional broker may not be designated as a broker-in-charge.

Waiver of qualifications for some professionals

A broker who was issued a broker's license before April 1, 2006, is not required to complete either the 90-hour broker post-licensing education program or the broker-transition course.

The Commission will grant a waiver of the 75-hour education program pursuant to N.C. Gen. Stat. § 93A-4(a) if an applicant submits an application pursuant to Rule 58C.0301 and a written request for a waiver of the 75-hour education program, plus either:

- a transcript and copy of a baccalaureate or higher degree in the field of real estate, real estate brokerage, real estate finance, real estate development, or a law degree conferred on the applicant from any accredited college or university; or

- a course completion certificate or transcript evidencing the completion of a prelicensing education program in another state that: (a) consisted of at least 75-hours of instruction; (b) was completed within one year prior to license application while the applicant was a resident of said state; and (c) is parallel to the topics and timings described in the Commission's Prelicensing course syllabus.

An individual seeking a real estate license who, at the time of application, holds a current real estate salesperson or broker license in another jurisdiction that has been on active status in good standing within the three years prior to application may satisfy the 75-hour prelicensing education program and examination requirements prescribed in § 93A-4 by electing to either:

- pass the "State" section of that examination, in which case the person will be issued a North Carolina broker license on a status comparable to the category of license held by the person in the jurisdiction where the qualifying license is held; or
- be issued a North Carolina broker license on provisional status only and then comply with the provisions of § 93A-4(a1).

Licensees who were licensed in North Carolina by reciprocity may retain their license indefinitely, unless suspended, revoked or surrendered, provided the license is continually renewed or is reinstated within six months of expiration.

Annual fees and filings

Licenses expire on June 30 following issuance. A licensee may renew his or her license 45 days before its expiration date by filing a renewal form on the Commission's website and paying the license renewal fee of \$45. The fee for reinstatement of a license that has been expired, revoked, suspended, or surrendered for less than two years is the amount equal to two times the current renewal license fee.

An individual seeking reinstatement of a license that has been expired, revoked, surrendered for six months but no more than two years must submit a complete reinstatement application and the reinstatement fee, and either

- complete one Postlicensing course within six months prior to submitting his or her reinstatement application;
- pass both the "National" and "State" sections of the current license examination within 180 days after submitting his or her reinstatement application; or
- pass only the "State" section of the current license examination within 180 days after submitting his or her reinstatement application if the individual possesses an active broker license in another state.

If on December 31 of any year, the amount remaining in the Real Estate Education and Recovery Fund is less than \$50,000, the Commission may assess each licensee upon renewal a fee not to exceed \$10 to replenish the fund.

A licensee must notify the Commission in writing within 10 days of any change in his or her "current personal name, firm name, trade name, residence address and firm address" or in his or her status as broker-in-charge.

Applicant investigation

An applicant must satisfy the Commission that he or she has the "competency, honesty, truthfulness, integrity, good moral character and general fitness, including mental and emotional fitness" to protect the public's interest and promote public confidence in the real estate business. The Commission may investigate each applicant's moral character and fitness and require an applicant to provide the Commission with a criminal record report.

The Department of Justice ("DOJ") provides an applicant's criminal record check to the Commission. The Commission must forward to the DOJ the applicant's fingerprints, any additional information required by the DOJ, and the applicant's signed consent; the State Bureau of Investigation must forward a set of the fingerprints to the F.B.I. for a national criminal history check. The Commission must keep the criminal record check results privileged and confidential. The DOJ may charge each applicant a fee for conducting the criminal history record check.

Examinations

Generally, an applicant must take an examination, which may be administered orally, by computer or by any other method the Commission deems appropriate. The examination consists of two

sections, a national section and a state section. The Commission may require the applicant to pay the cost of the examination and its administration. The examination must "determine the applicant's qualifications with due regard to the paramount interests of the public as to the applicant's competency." A person who fails the license examination must be informed of his or her score; a person who passes the exam is notified only that he or she passed the examination.

A license application of an individual is canceled if the individual fails to:

- pass a scheduled license examination within 180 days of filing a complete application; or
- appear for and take any scheduled examination for which the applicant has been scheduled without having the applicant's examination postponed or absence excused as provided in Commission rules.

The real estate licensing examination tests the following general subject areas:

- real estate law;
- real estate brokerage law and practices;
- real estate licensing laws and rules;
- the Commission's trust account guidelines;
- real estate finance;
- real estate valuation;
- real estate mathematics; and

- "related subject areas."

A passing examination score is valid for one year from the examination date, during which time the applicant must satisfy any remaining licensing requirements that were pending at the time of the examination. However, that one-year period is tolled if the applicant's moral character is in question. An application is canceled if an applicant who passed the examination fails to satisfy all remaining requirements within one year, in which case the applicant must reapply and retake the examination.

An applicant who fails the license examination may not retake the examination for at least 10 days.

Other prerequisites

An applicant must:

- submit a written application to the Commission;
- be at least 18 years of age;
- satisfy the prelicense education requirements or have real estate education or experience in real estate transactions that the Commission finds to be the equivalent of the education program; and
- pay the required fee.

The application form for an individual applicant must include:

- the applicant's name, address and social security number;
- proof of the applicant's identity;

- the applicant's places of residence, education and prior real estate licenses; and
- any other information necessary to identify the applicant and determine his or her "qualifications and fitness for licensure."

An applicant generally must pay an application fee of \$100.

A real estate broker must also possess a privilege license issued by the [North Carolina Department of Revenue](#) in order to practice brokerage. A privilege license is a license to engage in a business, trade, or profession in North Carolina.

Corporate and entity licensees

A business entity, other than a sole proprietorship, must obtain a firm license before engaging in business as a real estate broker. Application forms for entities require the applicant to provide the following:

- the entity's legal name;
- the name under which the entity will do business;
- the type of business entity;
- its principal office's address;
- the entity's State Identification Number, if it is required to be registered;
- each federally insured depository institution lawfully doing business in North Carolina where the entity's trust account(s) will be held, if applicable;

- the proposed qualifying broker's name, real estate license number and signature;
- the name, address and a completed broker-in-charge designation form for each broker-in-charge;
- any criminal convictions and pending criminal charges against a principal or broker-in-charge;
- any past revocation, suspension or denial of a license of a principal or broker-in-charge;
- if a general partnership, a full description of the entity, including a copy of its written partnership agreement;
- if a limited liability company, a description of the entity, including a copy of its written operating agreement or, if no written agreement exists, a description of the rights and duties of the managers and their names;
- if a business entity other than a corporation, limited liability company or partnership, a full description of the entity's organization, including a copy of its organizational documents;
- if a foreign business entity, a certificate of authority to transact business in North Carolina and a consent to service of process; and
- any other required information.

If the entity's authority to engage in the real estate business is unclear, the Commission may require the applicant to declare that the applicant's organizational documents authorize the firm to engage in the real estate business.

After filing a firm license application with the Commission, the entity will be licensed provided that it:

- has one principal holding a broker license on active status in good standing who will serve as the qualifying broker; and
- employs and is directed by personnel licensed as a broker in accordance with North Carolina law.

A "principal" in this context is a person or entity owning 10 percent or more of the business entity, or who is an officer, director, manager, member or partner.

The principal who serves as qualifying broker must hold an active broker's license in good standing. The qualifying broker:

- of a partnership must be a general partner;
- of a limited liability company must be a manager; and
- of a corporation must be an officer.

A provisional broker may not serve as a qualifying broker.

An entity's qualifying broker is responsible for:

- designating and assuring that there is a broker-in-charge for each office at which real estate brokerage activities are conducted;
- renewing the entity's broker license;

- retaining the firm's renewal pocket card;
- notifying the Commission of any address or trade name change and registration of any assumed business name;
- notifying the Commission of any change in his or her status as qualifying broker;
- "securing and preserving" the firm's transaction and trust account records if there is a change in broker-in-charge or upon termination of his or her status as qualifying broker; and
- notifying the Commission if, upon the termination of his or her status as qualifying broker, the firm's transaction and trust account records cannot be retained or preserved or are out of balance.

PROVISIONAL BROKER QUALIFICATIONS

Provisional brokers must complete a 90-hour postlicensing education program consisting of three 30-hour classroom courses. At least one of the 30-hour courses must be completed during each of the first three years following the date of original licensure. [Beginning July 1, 2020](#), a provisional broker must complete all three 30-hour postlicensing courses within 18 months of initial licensure in order to maintain active license status. A person licensed anytime during 2018 must complete all postlicensing courses by July 1, 2020. A person licensed in 2019 will have at least 18 months from date of licensure to complete the courses.

Upon completion of all three courses the provisional status of the broker's license is terminated.

The Commission may grant an extension of time to complete the postlicensing education upon proof that the provisional broker was unable to obtain the necessary education due to incapacitating illness or other circumstance which existed for a substantial portion of the year in question.

A provisional North Carolina real estate broker may apply for a waiver of one or more of the three 30-hour postlicensing courses if the broker has obtained:

- equivalent education that is parallel to the topics and timings described in the Commission's Postlicensing course syllabi;
- full-time experience as a licensed broker or salesperson in another state for 17 at least five of the seven years immediately prior to application for waiver; or
- full-time experience as a licensed North Carolina attorney practicing 33 primarily in real estate matters for the two years immediately preceding application.

The license of a provisional broker who fails to complete the postlicensing education requirement will be placed on inactive status until he or she completes all three courses within the prescribed time.

SALESPERSON OR AGENT QUALIFICATIONS

No relevant provisions were located. Effective April 1, 2006, the Commission discontinued issuing real estate salesperson licenses.

SPECIALIST QUALIFICATIONS

Limited Nonresident Commercial Licensing

Education

No relevant provisions were located.

Service in "lower" category

A person desiring to obtain a limited nonresident commercial broker license must be actively licensed as a real estate broker or salesperson in a qualifying state. In this context, an applicant need not show that the state or territory where he or she is currently licensed offers reciprocal licensing privileges to North Carolina brokers.

Waiver of qualifications for some professionals

No relevant provisions were located.

Annual fees and filings

A limited nonresident commercial broker license expires on June 30 following issuance unless renewed.

Applicant investigation

An applicant must:

- show that he or she has the "requisite honesty, truthfulness, integrity, and moral character for licensure as a broker in North Carolina"; and
- provide the Commission with a report of his or her criminal history from the service designated by the Commission.

Examinations

No relevant provisions were located.

Other prerequisites

A person desiring to obtain a limited nonresident commercial broker license must:

- be a resident of a state or territory other than North Carolina;
- be actively licensed as a real estate broker or salesperson in a qualifying state;

- if licensed as a salesperson, be acting under a broker's supervision; and
- have the "requisite honesty, truthfulness, integrity, and moral character for licensure as a broker in North Carolina."

In this context, an applicant need not show that the state or territory where he or she is currently licensed offers reciprocal licensing privileges to North Carolina brokers.

An applicant must:

- submit an application;
- show the Commission that he or she has satisfied the requirements listed above;
- provide the Commission with a certification of license history from the state in which he or she is licensed;
- provide the Commission with a report of his or her criminal history; and
- pay the application fee of \$100.

Corporate licensees

Corporations, business associations and entities are not eligible for licensure as a limited nonresident commercial broker.

Sections 93A-4 amended 2019; § 93A-9 amended 2011; § 93A-4.2 amended 2019; § 93A-4.3 enacted 2005; regulations 58A.0401 amended 2004; r. 58A.0403 amended 2012; r. 58A.1805 effective 2004; r. 58A.0301, 58A.1801 and 58A.1803 amended 2006; r. 58A.0402 amended 2015; r. 58A.1902 amended 2019; 58A.1903 amended 2012; r. 58A.0502 amended 2015; r. 58A.0505 amended 2017; r. 58A.0110 amended 2018; r. 58A.0511 amended 2018; r. 58A.0503 amended 2014; r. 58A.0304 amended 2017.

[N.C. Gen. Stat. §§ 93A-4](#) (as amended by [N.C. Sess. L. 2019-195](#)), [-4.2](#) (as amended by [N.C. Sess. L. 2019-195](#)), [-4.3](#), [-9 \(2018\)](#); [21 N.C. Admin. Code 58A.0110](#), [.0301](#), [.0304](#), [.0401](#), [.0402](#), [.0403](#), [.0502](#), [.0503](#), [.0505](#), [.0511](#), [.1801](#), [.1803](#), [.1805](#), [.1902](#), [.1903 \(2019\)](#); [N.C. Real Estate Comm'n, Licensing FAQs](#)

North Dakota

North Dakota, Continuing Education Approval

PROVIDER

General requirements

The [North Dakota Real Estate Commission](#) ("Commission") sets the approval standards for lectures, seminars, instruction courses and correspondence courses that satisfy the continuing education requirement.

Each course must have a coordinator or administrator who supervises the program. The coordinator must be qualified through previous education or experience:

- to administer a real estate course;
- to evaluate course content and instructors; and
- to analyze examinations.

Each course offering must "have classrooms, facilities, and personnel necessary to implement the offerings adequately."

The Commission grants an accreditation certificate for each approved course of study. The certificate remains valid for a two-year period, at which time the Commission reviews the course, and, if approved, the course will continue to be valid for the next two-year period unless suspended or revoked.

Approval applications

A school must apply for a course offering approval on a form provided by the commission. The application form must include, but is not limited to, the following information and enclosures:

- the school's name, address and telephone number;
- the course's title;
- a complete description or copies of all materials to be distributed to the participants;
- each presentation's date and location;
- the course's duration and time;
- a "comprehensive, detailed outline of the subject matter";
- the time sequence, faculty and teaching technique for each segment;
- a sample of any proposed advertising;
- the evaluation method;
- the procedure for measuring attendance; and
- a description of the faculty, including his or her name, professional background and practical or teaching experience. (The provider may furnish a complete resume.)

Distance learning course approval

A licensee may attend an approved course in person or take an approved correspondence course. A licensee earns credit in a correspondence course by completing the course. The program sponsor recommends the amount of credit for a correspondence program based on the average completion time determined by field tests, but the Commission determines the actual number of credit hours. A student must complete a distance education course within one year of his or her enrollment date.

The Commission must approve a distance education course, and the Association of Real Estate License Law Officials ("ARELLO") must certify it. A "distance education" course is a course in which "instruction does not take place in a traditional classroom setting but rather through other media if the teacher and student are separated by distance and sometimes by time." The Commission will approve a distance education course if:

- the course protects the public by maintaining and improving "the quality of real estate services provided by real estate licensees to the public;
- the sponsor has filed and the Commission has approved an "appropriate and complete application";
- the "information specified in the guidelines for distance education as adopted by the real estate commission has been submitted and approved"; and
- the education course meets the content and all other relevant statutory and regulatory requirements.

The Commission will approve ARELLO-certified courses if the provider submits "appropriate documentation that the ARELLO certification is in effect and that the course meets the content requirements" of the applicable rules and statutes.

Advertising

A school's application for a course offering must include a sample of any proposed advertising to be used for promotional purposes.

Program sponsors must disclose to prospective participants "the prerequisites, course content, and number of continuing education hours" in a program.

Student records

A school must maintain for at least three years records of students who successfully complete a course offering.

Certificates of completion

A school, seminar and workshop must provide an individual certificate of attendance to each licensee who completes the educational program or training session under the following conditions:

- the provider may not issue a certificate of attendance to a licensee who is absent for more than 10 percent of the classroom hours;
- the certificate must contain "the licensee's name, course title, date, location of course, number of approved credit hours, and signature of course sponsor or instructor";
- the licensee must retain the attendance certificate; and
- the Commission is not required to maintain a list of licensees and their completed courses of education.

Other submissions

A school must certify, to the best of its knowledge, each student's attendance at an offering. The school must submit its criteria for measuring attendance to the Commission.

A school's coordinator or instructor must promptly notify the Commission of any material changes.

CONTENT

"Continuing education" means "accredited educational experience derived from participation in approved lectures, seminars, distance education, and correspondence courses in areas related to real estate, which has been approved by the commission, to maintain and improve the professional

skills and upgrade the standard of all real estate licensees." The Commission considers courses in the following areas, without limitation, to be acceptable:

- real estate ethics;
- legislative issues that influence a real estate practice;
- the "administration of licensing provisions of real estate law and the rules, including compliance and regulatory practices";
- real estate financing;
- real estate market measurement and evaluation;
- real estate brokerage administration;
- real property management;
- real property exchange;
- land use planning and zoning;
- real estate securities and syndication;
- estate building and portfolio management;

- accounting and taxation, as they apply to real property;
- land development;
- real estate appraisal;
- real estate and business opportunities marketing;
- business courses that relate to a real estate practice;
- agency representation; and
- contracts.

The Commission may require that up to six hours of continuing education must be in one or more specific areas during each two-year period, which may include the following:

- fair housing and antitrust;
- environmental issues;
- licensing laws and ethics;
- agency laws and principles; and
- contracts.

The following course offerings do not qualify for continuing education purposes:

- examination "cram courses";
- mechanical office and business skills offerings, such as "typing, speed reading, memory improvement, language, and report writing";
- "sales promotion or other meetings held in conjunction with the general business of the attendee or the attendee's employer";
- time for meals; or
- a course certified by the use of a challenge examination.

MATERIALS

A course offering approval application must include, among other things, a complete description or copies of all materials to be distributed to the participants.

INSTRUCTOR QUALIFICATIONS

All instructors must have the "necessary specialized preparation, training, and experience to ensure competent instruction." The Commission approves each instructor on an individual basis. An instructor must obtain the Commission's approval before his or her "lecture in an approved course of study."

Instructors, lecturers, seminar leaders and others who present a continuing education requirement course must possess at least one of the following:

- a bachelor's degree in the field in which the person will teach;

- a "valid teaching credential or certificate from North Dakota or another state authorizing the holder to teach in the field of instruction being offered";
- five years' full-time experience in "a profession, trade, or technical occupation in the applicable field"; or
- a combination of at least five years' full-time applicable field experience and college-level education.

A program sponsor or coordinator must:

- select and assign qualified instructors for its continuing education program; and
- evaluate an instructor's performance at each program's conclusion to determine their suitability for continuing to serve as instructors in the future.

PRIOR APPROVAL REQUIREMENTS

Approval timing

A sponsor must file a course approval 30 days before it proposes to offer the course to the public.

Approval after class date

A school may seek approval of a course after offering it by submitting all information requested on the Commission's application forms.

EXAMINATION

Examination requirements

"Lectures, seminars, courses of instruction, and correspondence courses may not require passing of a test" to satisfy the continuing education requirement.

Proctors

No relevant provisions were located.

Section 43-23-08.2 amended 2009; regulations 70-02-04-07, 70-02-04-08, 70-02-04-09, 70-02-04-10, 70-02-04-17 and 70-02-04-18 effective 1981; r. 70-02-04-06 amended 1993; r. 70-02-04-22 effective 1999; r. 70-02-04-19 amended 1999; r. 70-02-04-23 effective 2000; r. 70-02-04-01, 70-02-04-05, 70-02-04-12 and 70-02-04-21 amended 2006.

[N.D. Cent. Code § 43-23-08.2 \(2019\); N.D. Admin. Code 70-02-04-01, -05, -06, -07, -08, -09, -10, -12, -17, -18, -19, -21, -22, -23 \(2019\)](#)

North Dakota, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

Licensees who have held a real estate license for fifteen continuous years on January 1, 1984, are exempt from the continuing education requirements.

During the time that a broker's license is on inactive status, the licensee does not need to meet the continuing education requirements. However, the licensee must fulfill any unsatisfied applicable education requirements before the Commission will reissue a license on an active status. Effective July 1, 2010, the licensee must meet the continuing education requirements for each continuing education period in which his or her license was inactive, not to exceed the number of hours required for the three continuing education periods prior to reactivation.

The Commission may make continuing education exceptions and grant extensions for "reasons of health, military service, or other good cause if adequate proof is provided."

A nonresident licensee may be exempt from North Dakota's continuing education requirements if he or she meets the real estate licensing requirements of the state of his or her residence.

A broker applicant is exempt from the state's continuing education requirement for the two-year period during which the applicant successfully completed the examination.

The Commission will grant a person who serves as a lecturer, discussion leader or speaker in a continuing education program one-hour credit for every hour of service as an instructor or speaker. The licensee must accompany his or her credit request with an outline of the instruction, discussion or speech. The licensee will not receive credit for teaching a course that is the substantially the same as one taught for credit during the same two-year period. The maximum credit a lecturer, discussion leader, or speaker receives for service may not exceed 50 percent of the requirements for a continuing education period.

Required hours

The number of hours required, the frequency and conditions of reporting, and all other terms and conditions of continuing education compliance are set by the Real Estate Commission. For license renewals in 2018, the Commission requires nine hours continuing education. The mandatory course for 2018 is three hours of agency. To renew a license for 2019, the required continuing education hours must be taken between November 16, 2017 and November 15, 2018.

Minimum class length

The Commission will approve only those courses with a total instruction time of two hours or more. An hour is 50 minutes. The Commission allows a maximum of eight hours of accreditation per day, including online continuing education.

Subjects

"Continuing education" means "accredited educational experience derived from participation in approved lectures, seminars, distance education, and correspondence courses in areas related to real estate, which has been approved by the commission, to maintain and improve the professional skills and upgrade the standard of all real estate licensees." The Commission considers courses in the following areas, without limitation, to be acceptable:

- real estate ethics;

- legislative issues that influence a real estate practice;

- the "administration of licensing provisions of real estate law and the rules, including compliance and regulatory practices";

- real estate financing;

- real estate market measurement and evaluation;
- real estate brokerage administration;
- real property management;
- real property exchange;
- land use planning and zoning;
- real estate securities and syndication;
- estate building and portfolio management;
- accounting and taxation, as they apply to real property;
- land development;
- real estate appraisal;
- real estate and business opportunities marketing;
- business courses that relate to a real estate practice;

- agency representation; and
- contracts.

The Commission may require that up to six hours of continuing education during each continuing education period must be in one or more specific areas, which may include the following:

- fair housing and antitrust;
- environmental issues;
- licensing laws and ethics;
- agency laws and principles; and
- contracts.

The following course offerings do not qualify for continuing education purposes:

- examination "cram courses";
- mechanical office and business skills offerings, such as "typing, speed reading, memory improvement, language, and report writing";
- "sales promotion or other meetings held in conjunction with the general business of the attendee or the attendee's employer" meal time; or

- a course certified by the use of a challenge examination.

Courses may not be taken for credit more than once in any continuing education period, unless the material has been significantly updated or changed.

Attendance requirements

A provider may not issue a certificate of attendance to a licensee who is absent for more than 10 percent of the classroom hours.

Online classes

A licensee may attend an approved course of instruction in person or take an approved correspondence course. A licensee earns credit in a correspondence course by completing the course. The program sponsor recommends the amount of credit for a correspondence program based on the average completion time calculated by the sponsor after it has conducted field tests, but the Commission determines the actual number of credit hours.

The Commission must approve courses offered in a distance education format, and the Association of Real Estate License Law Officials ("ARELLO") must certify the course. A student must complete a distance education course within one year of his or her enrollment date.

A "distance education" course is a course in which "instruction does not take place in a traditional classroom setting but rather through other media if the teacher and student are separated by distance and sometimes by time." The Commission approves a distance education course if:

- the course protects the public by maintaining and improving "the quality of real estate services provided by real estate licensees to the public;
- the sponsor has filed and the Commission has approved an "appropriate and complete application";
- the "information specified in the guidelines for distance education as adopted by the real estate commission has been submitted and approved"; and
- the education course meets the content and all other relevant statutory and regulatory requirements.

Other requirements

The Commission will not renew a license unless the licensee:

- submits certification showing he or she fulfilled the continuing education requirements; and
- submits the appropriate licensing fees.

The fee for "for each annual renewal" of a broker's license is not more than \$200, as set by the Commission.

If, on June 30 of any year, the amount in the real estate education, research, and recovery fund is less than \$60,000, each licensee renewing his or her license must pay, in addition to the annual renewal fee, an amount not to exceed \$20.

A licensee must register annually with the Commission no later than December 31 and pay the appropriate annual renewal fee. If a licensee fails to file a timely renewal application, he or she may file a late renewal application with the required educational certification, before March 1 of the next year and must pay an additional late fee, as set by the Commission, for each month (or fraction thereof) after January 1. A license not renewed by March 1 is canceled, and the person who desires relicensure must satisfy the application and examination requirements for prospective licensees.

BROKER ASSOCIATE REQUIREMENTS

No specifically relevant provisions were located. (See "BROKER REQUIREMENTS" above.)

SALESPERSON OR AGENT REQUIREMENTS

Exemptions

Licensees who have held a real estate license for fifteen continuous years on January 1, 1984, are exempt from the continuing education requirements.

During the time that a salesperson's license is on inactive status, the licensee does not need to meet the continuing education requirements. However, the licensee must fulfill any unsatisfied applicable education requirements before the Commission will reissue an active license. Effective

July 1, 2010, the licensee must meet the continuing education requirements for each continuing education period in which his or her license was inactive, not to exceed the number of hours required for the three continuing education periods prior to reactivation.

The Commission may make continuing education exceptions and grant extensions for "reasons of health, military service, or other good cause if adequate proof is provided."

A nonresident licensee may be exempt from North Dakota's continuing education requirements if he or she meets the real estate licensing requirements of the state of his or her residence.

A salesperson's license applicant, upon successful completion of the required post-licensing education requirement is exempt from the continuing education requirement for the continuing education period during which the salesperson applicant successfully completed the post-licensing education.

The Commission will grant a person who serves as a lecturer, discussion leader or speaker in a continuing education program one-hour credit for every hour of service as an instructor or speaker. The licensee must accompany his or her credit request with an outline of the instruction, discussion or speech. The licensee will not receive credit for teaching a course that is the substantially the same as one taught for credit during the same two-year period. The maximum credit a lecturer, discussion leader or speaker receives for service may not exceed 50 percent of the continuing education requirement for a two-year period.

Required hours

All real estate licensees must meet the same continuing education hour requirements. (See "BROKER REQUIREMENTS" above.)

See "Licensing Prerequisites" for educational requirements that apply to salespersons during the first year of licensure.

Minimum class length

The same minimum class provisions apply to all courses. (See "BROKER REQUIREMENTS" above.)

Subjects

All real estate licensees are subject to the same continuing education subject requirements. (See "BROKER REQUIREMENTS" above.)

Attendance requirements

All real estate licensees are subject to the same continuing education attendance requirements. (See "BROKER REQUIREMENTS" above.)

Online classes

All real estate licensees are subject to the same online class provisions. (See "BROKER REQUIREMENTS" above.)

Other requirements

All real estate licensees are subject to the same other requirements. (See "BROKER REQUIREMENTS" above.) The renewal fee for an individual's real estate salesperson's license is also not more than \$200, as set by the Commission.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section 43-23-08.2 amended 2009; §§ 43-23-13 and 43-23-13.1 amended 2003; § 43-23.2-02 amended 2007; regulations 70-02-04-03, 70-02-04-04 and 70-02-04-14 effective 1981; r. 70-02-04-06 amended 1993, r. 70-02-04-22 adopted 1999; r. 70-02-04-23 adopted 2000; r. 70-02-01-05 amended 2004; r. 70-02-04-01, 70-02-04-05, 70-02-04-12, and 70-02-04-21 amended 2006; rr. 70-02-04-13 and 70-02-04-16 amended 2010; r. 70-02-01-04 amended 2015; rr. 70-02-02-10. 70-02-04-02 and 70-02-04-14 amended 2015.

[N.D. Cent. Code §§ 43-23-08.2, -13, -13.1; -23.2-02 \(2019\); N.D. Admin. Code 70-02-01-04; -04-01, -02, -03, -04, -05, -06, -12, -13, -14, -15, -16, -21, -22, -23 \(2019\); F.A.Q. on Continuing Education Requirements \(Jan. 14, 2016\)](#)

North Dakota, Licensing Categories

BROKER

A "broker" is a person who, for another and for consideration, or with the intention or expectation of receiving compensation from another, "engages in or offers or attempts to engage in" any of the following acts:

- "[l]ists, offers, attempts or agrees to list real estate," a real estate interest or any improvements for sale, exchange or lease;
- "[s]ells, exchanges, purchases or leases real estate," a real estate interest or any improvements;

- offers to "sell, exchange, purchase, or lease real estate," a real estate interest or any improvements;
- "[n]egotiates, or offers, attempts, or agrees to negotiate the sale, exchange, purchase, or leasing of real estate or any interest therein, or any improvements";
- deals in real estate options;
- "[w]ho is a licensee . . . and performs any of the acts" set forth above while acting on his or her own behalf;
- "[a]dvertises or holds out as being engaged in the business of buying, selling, exchanging, or leasing of real estate," a real estate interest or any improvements; or
- procures prospects.

Effective July 1, 2011, the term "licensee" will be defined as "a real estate broker, an associate real estate broker, or a real estate salesperson who is associated with a real estate brokerage firm."

BROKER ASSOCIATES

A "broker associate" is a regularly licensed broker who "does not conduct an office under the broker's own name," but rather:

- is employed by or affiliated with another licensed broker on a fee division basis; and
- performs services similar to that of a salesperson.

SALESPERSON

A "salesperson" is a person who for consideration is "employed or engaged by a licensed real estate broker to do any act or deal in any transaction" listed above on behalf of the broker.

SPECIALIST CATEGORIES

Subdivided lands

The state's subdivided land provisions require only the subdivision to be licensed, not the subdivider.

Section 43-23.1-04 amended 1971; § 43-23-06.1 amended 2011; regulation 70-02-01-09 amended 1992.

[N.D. Cent. Code § 43-23-06.1, -23.1-04 \(2019\)](#); [N.D. Admin. Code 70-02-01-09 \(2019\)](#)

North Dakota, Licensing Exemptions

North Dakota's real estate licensing laws do not apply to the following:

- a "person, partnership, association, corporation or limited liability company who is a bona fide owner or lessor or who accepts or markets leasehold interests in residential or agricultural property" and performs a real estate act with reference to property he, she or it owns or leases, or regular employees thereof performing the acts in "the regular course of or as an incident to" managing the property and the investment in it;
- an attorney at law, admitted in North Dakota, who is handling real estate sales in "the course of estate or guardianship administration in district court, or trust administration, bankruptcy proceedings, receiverships, or like actions subject to approval by a court of competent jurisdiction" or arising in the "usual course of the practice of law";
- a person selling real estate as an auctioneer, if the sale is a bona fide public auction;
- a bank or trust company or any of its officers or employees performing their duties as an officer or employee of the bank or trust company;

- a person acting pursuant to a power of attorney from the owner;
- a receiver, trustee, administrator, executor or guardian;
- a person acting under court order or under the authority of a deed, trust or will; or
- public officers performing their duties.

Section amended 1995.

[N.D. Cent. Code § 43-23-07 \(2019\)](#)

North Dakota, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A broker's license applicant must have successfully completed an additional 60 hours in Commission-approved courses of study within five years of application.

Service in "lower" category

A broker's license applicant must have either:

- been actively engaged as a licensed salesperson for a period of at least two years before his or her application date; or
- had experience the Commission determines to be substantially equal to that which a licensed salesperson would ordinarily receive during a two-year period.

A broker applicant wishing to qualify under the two-year experience requirement must submit a letter from the applicant's broker that he or she has been actively engaged in the real estate business as a salesperson for at least two years. "Actively engaged" means that "the applicant must have devoted the applicant's full time as a licensed real estate salesperson."

Waiver of qualifications for some professionals

If the [North Dakota Real Estate Commission](#) finds that an applicant could not obtain experience as a licensed salesperson because of the conditions in the area in which he or she resides, then it may waive the experience requirement.

The Commission recognizes the license issued to a broker by another state as qualifying the nonresident broker for a North Dakota license, if:

- the nonresident has qualified for a license in the broker's own state; and
- that other state permits licenses to be issued to North Dakota licensed brokers.

Although the Commission may generally not waive the educational requirements, it may establish guidelines pursuant to which it deems applicants who "have engaged in certain educational courses of study which are closely related to the real estate profession" to have satisfied the requirement.

Annual fees and filings

The Commission will not renew a license unless the licensee:

- submits certification showing he or she fulfilled the continuing education requirements; and
- submits the appropriate licensing fees.

The fee for "for each annual renewal" of a broker's license is \$150 effective July 1, 2019.

If, on June 30 of any year, the amount in the real estate education, research, and recovery fund is

less than \$60,000, each licensee renewing his or her license must pay, in addition to the annual renewal fee, an amount not to exceed \$20.

A licensee must register annually with the Commission and pay the appropriate annual renewal fee. If a licensee fails to file a timely renewal application, he or she:

- may file a late renewal application with the required educational certification before March 1 of the next year; and
- must pay an additional late fee, as set by the Commission, for each month (or fraction thereof) after January 1.

Any license not renewed by March 1 is canceled, and the person who desires relicensure must satisfy the application and examination requirements for prospective licensees.

Applicant investigation

The Commission may grant original and renewal licenses only to persons who "bear a good reputation for honesty, truthfulness, and fair dealing." However, a conviction does not disqualify a person from licensure unless the Commission determines that:

- the offense has a direct bearing on the person's ability to serve the public as a broker or salesperson; or
- following a conviction, the person is not "sufficiently rehabilitated."

An applicant for licensure with the Commission or a licensee whose licensure is subject to investigation by the Commission is subject to a statewide and nationwide criminal history check, i.e., finger printing.

The Commission may also inquire and investigate each applicant's financial responsibility, and may deny a license if the applicant's credit history shows the "existence of unpaid and overdue

judgments, liens, or other debt obligations which, for the protection of the public, requires that the application be denied."

The Commission may require "such other proof as may be deemed advisable of the honesty, truthfulness, and good reputation of any applicant." All applicants must submit \$8.00 for a credit report.

Examinations

A broker's license applicant must have satisfactorily fulfilled the prelicense educational requirement and be authorized in writing before taking the broker's licensing examination. If an applicant does not take the examination within four months after notification by the Commission that he or she is qualified to take the examination, the applicant must reapply for the examination and pay the required fee.

An applicant who fails an examination must submit a rewrite application and fee. If an applicant passes one portion of the examination (either the national or state portion), he or she need not repeat that portion if he or she passes the remaining portion within twelve months.

Other prerequisites

The Commission may grant a license only to a person:

- who "bear[s] a good reputation for honesty, truthfulness, and fair dealing";
- is "competent to transact the business of a real estate broker or a real estate salesperson in such manner as to safeguard" the public's interest;
- whose real estate license has not been revoked in North Dakota or any other state within two years before the application date; and
- who is at least 18 years of age.

A real estate license application must be in writing on Commission-provided forms and must contain the data and information the Commission requires.

A broker's license applicant must submit a \$150 application fee; the annual renewal fee is also

\$150. In addition to the appropriate licensing fees, each applicant must pay, upon application for his or her license, a separate fee in the amount of \$20 to be credited to the state's education, research, and recovery fund.

All licenses expire on December 31 of each year. Application for renewal on or before November 15 is required in order for the respective license to be renewed on a timely basis for the following license period.

All licensees must carry errors and omissions insurance. However, that insurance is not required during any year the Commission is not able to "obtain errors and omissions insurance coverage at a reasonable premium."

Corporate licensees

The Commission will not grant a copartnership, association, corporation or limited liability company a license unless:

- at least one partner, shareholder, member, manager or officer, as applicable, holds a broker's license; and
- every employee who acts as a real estate salesperson for the entity holds a salesperson's license.

The fee for a license issued to a firm or entity is \$200, effective July 1, 2019.

A corporation's license application must be accompanied by a copy of its articles of incorporation and a certificate of authority. A partnership's license application must be accompanied by a copy of its partnership agreement.

The Commission may license an organization of a salesperson, broker, or broker associate if:

- the organization is owned solely by a licensed salesperson or broker associate, by that individual and his or her spouse or by that individual and other salespersons and broker associates within the same firm;

- the organization does not engage in real estate transactions as "a third-party agent or in any other capacity requiring a license"; and
- the organization does not advertise that it is a real estate broker or real estate brokerage firm.

BROKER ASSOCIATE QUALIFICATIONS

No specifically relevant provisions were located (see "BROKER QUALIFICATIONS" above for generally applicable provisions),

SALESPERSON QUALIFICATIONS

Education

A salesperson's license applicant must furnish to the Commission evidence the applicant has successfully completed at least 45 hours (90 hours effective January 1, 2021) in Commission-approved courses.

First-year educational requirements

Within one year after initial licensure as a salesperson, a salesperson's broker must furnish the Commission with evidence of the salesperson's successful completion of 15 post-licensure hours in Commission-approved courses. This requirement is repealed effective January 1, 2021.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

Although the Commission generally may not waive the educational requirements, it may establish guidelines pursuant to which it deems applicants who "have engaged in certain educational courses of study which are closely related to the real estate profession" to have satisfied this requirement.

Annual fees and filings

The application fee is \$150 and the annual renewal fee for a salesperson's license is \$125. In addition to the appropriate licensing fees, each applicant must pay, upon application for his or her license, a separate fee in the amount of \$20 to be credited to the state's education, research and recovery fund.

All licenses expire on December 31 of each year. Application for renewal on or before November 15 is required in order for the respective license to be renewed on a timely basis for the following license period.

Applicant investigation

All real estate licensees are subject to the same applicant investigation provisions. (See "BROKER QUALIFICATIONS" above.)

Examinations

A salesperson's license applicant may take the licensing examination before fulfilling the prerequisite educational requirements. However, the Commission may not issue a salesperson's license until the applicant submits satisfactory evidence of completing the prelicensing educational requirement.

An applicant who fails an examination must submit a rewrite application and fee.

If an applicant passes one portion of the examination (either the national or the state portion), he or she need not repeat that portion of the examination if he or she passes the remaining part within twelve months.

Other prerequisites

All real estate licensees are subject to the same other prerequisites. (See "BROKER QUALIFICATIONS" above.)

Organizations licensed as salespersons

The Commission may license an organization of a salesperson, broker, or broker associate if:

- the organization is owned solely by a licensed salesperson or broker associate, by that individual and his or her spouse or by that individual and other salespersons and broker associates within the same firm;
- the organization does not engage in real estate transactions as "a third-party agent or in any other capacity requiring a license"; and

- the organization does not advertise that it is a real estate broker or real estate brokerage firm.

An application for an organization to be licensed as a salesperson must be accompanied by a one-time license fee of \$300.

SPECIALIST QUALIFICATIONS

No relevant provisions were located.

Section 43-23-08.1 amended 1991; §§ 43-23-05 and 43-23-09 amended 1995; § 43-23-08.4 amended 1999; § 43-23-19 enacted 2001; § 43-23-13 amended 2003, § 43-23-13.1 amended 2015; §§ 43-23-08 and 43-23-05.1 amended 2019; §§ 43-23-10, 43-23-23 and 43-23.2-02 amended 2007; § 43-23-08.2 amended 2009; regulation 70-02-01-03 amended 2004; r. 70-02-01-02 amended 2006; r. 70-02-01-04 amended 2015.

[N.D. Cent. Code §§ 43-23-05, -05.1, -08, -08.1, -08.2, -08.4, -09, -10, -13, -13.1, -19, -23; 43-23.2-02 \(2019\); N.D. Admin. Code 70-02-01-02, -03, -04 \(2019\)](#)

Ohio

Ohio, Continuing Education Approval

PROVIDER

General requirements

Courses offered in Ohio must be approved by the [Division of Real Estate & Professional Licensing](#) prior to the course offering in order for attendees to receive credit. Continuing education may be completed by either classroom instruction or distance education.

Each continuing education course shall be open to all real estate licensees. A course provider may offer its members a reasonable reduction in the fees it charges for a course.

Approval applications

The following information must be included on the application for approval:

- name, address and telephone number of the course provider;
- the provider's policy regarding attendance and procedure for recordkeeping of attendance;
- a summary of the course offering, including:
 - the title of offering;
 - the maximum number of participants;
 - the type of training: seminar, conference, course, other;
 - the proposed initial date of offering;
 - the prerequisites for admission and/or participation, if any;
 - the duration in time of offering;
 - the form of attendance certificate;
 - the method of record maintenance;
 - the textbooks and student materials prescribed;
 - a sample of proposed advertising, if any;

- a course outline or syllabus;
 - the attendance or participation fees; and
 - the location of the course offering;
-
- personal data indicating names and qualification of teachers and instructors; and
 - such other information as the Real Estate Commission may request.

An initial course approval is valid for the calendar year in which it was approved. Re-certification of a course approval must be filed with the Division by December 31.

The fee for initial approval is \$50.

Distance learning course approval

Distance learning courses may be approved for continuing education credit based on a satisfactory review of the application and materials submitted for course approval at least forty-five days before the initial course offering, and on the following criteria:

- the course is designed to assure that students actively participate in the instructional process while completing the course by utilizing techniques that require substantial student interaction, instead of permitting students "to merely sit passively and observe instruction or read instructional materials";
- the sponsor provides students with an orientation or information package which contains all necessary information about the course, including information about the course subject matter and learning objective, procedures and requirements for satisfactory course

completion, special requirements with regard to computer hardware and software or other equipment and the availability of instructor or technical support;

- the sponsor provides appropriate instructor and technical support to enable students to satisfactorily complete the course; and
- the sponsor utilizes procedures that provide reasonable assurance of student identity and that the student receiving the continuing education credit for completing the course actually performed all of the work required to complete the course.

The Real Estate Commission may approve distance education course offerings in only the following subject areas:

- legislative issues that influence real estate practice;
- advanced real estate financing, including mortgages and other financing techniques;
- real estate market measurement and evaluation, including site evaluations, market data, and feasibility studies;
- real property management, including leasing agreements, accounting procedures, and management contracts;
- land use planning and zoning;
- real estate securities and syndication;
- accounting and taxation as applied to real property;

- land development;
- advanced real estate appraising;
- real estate marketing procedures related specifically to actual real estate knowledge;
- timeshares, condominiums and cooperatives;
- brokerage office management;
- use of technology and/or internet marketing as applied to the practice of real estate;
- real estate law, civil rights and ethics;
- personal safety issues for the real estate agent and consumer;
- real estate negotiation and real estate business communication; and
- cultural diversity as applied to the practice of real estate.

The Superintendent may deny an application for course approval for a distance education course that does not include satisfactory institutional controls on the pace of instruction.

In addition to the other information required for course approval, an application for approval for a distance education course shall include the following and any other documentation or information requested by the Superintendent:

- a complete copy of the course on the medium that is to be utilized and, if requested by the Superintendent, the sponsor must make available all software necessary for the Superintendent to review the submitted course;
- any other relevant information useful in determining that the course provider proposes an offering, which will contribute to desired current knowledge for the purpose of protecting the consumer and improving service by real estate licensees; and
- a summary of course design, including methods used to ensure active student participation, a detailed course outline of topics covered, a time sequence for the hours requested, estimation of length of time it should take a student to complete the course.

Advertising

A sample of any proposed advertising must be submitted as a part of the application for course approval.

Student records

A course provider shall maintain for six years a record of attendance of each person attending an offering disclosing the following information:

- Ohio real estate commission approval certificate number;
- name and business address of attendee;
- offering, title and description;
- classroom hours of attendance;
- date of offering; and

- name, address, and signature of verifier in employ of entity course provider.

Certificates of completion

A course provider must issue a certificate to a licensee who successfully completed the course. The licensee must have been physically present for at least ninety percent of the course to receive a certificate.

Other submissions

Each course provider shall submit to the Division of Real Estate, within ten days after completion of each offering, a list of licensees who successfully completed the course.

CONTENT

Course offerings for continuing education will be approved for courses in only the following areas:

- real estate ethics;
- legislative issues that influence real estate practice;
- real estate laws and regulation, including licensing provisions and regulatory practices;
- advanced real estate financing, including mortgages and other financing techniques;
- real estate market measurement and evaluation, including site evaluations, market data, and feasibility studies;
- real property management, including leasing agreements, accounting procedures and management contracts;

- land use planning and zoning;
- real estate securities and syndication;
- accounting and taxation as applied to real property;
- land and community development and revitalization;
- advanced real estate appraising;
- real estate marketing procedures related specifically to actual real estate knowledge;
- timeshares, condominiums and cooperatives;
- brokerage office management;
- use of technology and/or internet marketing as applied to the practice of real estate;
- business administration including but not limited to business operations management, human resources management and business taxation;
- personal safety issues for the real estate agent and consumer;
- real estate negotiation, general negotiation, and real estate business communication; and
- cultural diversity as applied to the practice of real estate.

The Real Estate Division will not approve or grant credit for continuing education for the following types of courses:

- exam preparation courses;
- offerings in mechanical office and business skills including, but not limited to, typing, speed reading, memory improvement, language, and report writing;
- sales promotion or other meetings held in conjunction with the general business of the attendee or his business associates;
- meetings which are a normal part of in-house staff training;
- that portion of any offering devoted to meals or other refreshment; or
- correspondence courses or distance education not in compliance with Division rules.

A course will not be approved if instruction is less than one classroom hour or more than eight classroom hours in one day.

MATERIALS

Copies of textbooks and student materials are submitted as a part of the application for approval.

INSTRUCTOR QUALIFICATIONS

Instructors who present a continuing education course shall meet at least one of the following qualifications:

- possession of a bachelor's degree in a field related to that which the person is to teach, from a school listed as an institution of higher learning by the United States Department of Education, or from a comparable school of a foreign country;
- possession of a valid teaching credential or certificate from Ohio or another state authorizing the holder to teach in the field of instruction in which the person is to teach;
- five years full-time experience in a profession, trade, or technical occupation in the applicable field; or
- any combination of at least five years of full-time experience relevant to the applicable field and college level education.

The Superintendent may deny or revoke instructor approval if an instructor has been disciplined by the Commission for a violation of real estate licensing laws or rules, been disciplined by the Ohio Real estate Appraiser Board for a violation of the appraiser licensing laws or rules, been convicted of a felony or crime of moral turpitude, or not established his or her honesty, truthfulness or good reputation.

An instructor must reapply every calendar year for approval to be a continuing education instructor.

PRIOR APPROVAL REQUIREMENTS

Approval timing

Applications for course approval must be submitted no later than forty-five days prior to the proposed initial date of the course.

Approval after class date

The Superintendent of the Real Estate Division may waive the requirements of thirty day notification on an original application for course approval, or the twenty day application for additional offerings of an already approved course, if the Superintendent determines that the offering meets the prescribed standards set forth in the rules.

EXAMINATION

Examination requirements

Examinations may not be made a condition of successful completion of a continuing education course.

Proctors

No relevant provisions were located.

Section 4735.141 amended 2016; regulations amended/promulgated 2019.

[Ohio Rev. Code § 4735.141 \(2019\); Ohio Admin. Code 1301:5-7-03; -04, -06, -07, -08 \(2019\)](#)

Ohio, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

A licensee age seventy or over with an inactive license or broker license on deposit is exempt from continuing education requirements, except that, regardless of age, "if a licensee is licensed as a broker, broker on deposit, or acts as a management level licensee, the licensee shall submit proof of completing a three hour course on the duties of a principal broker and other issues involved in operating a real estate brokerage on or before the licensee's date of birth and every three years thereafter."

A licensee who has placed his or her license on resigned status is exempt from continuing education requirements.

Where a licensee fails to meet the continuing education requirements because the license was inactive due to military service, the licensee must submit proof of completing the thirty hours of continuing education, on or before the date required by Ohio Rev. Code § 4735.13. The continuing education submitted will satisfy the requirements for the first renewal filed following the date of honorable discharge or separation under honorable conditions from the armed forces.

Required hours

See "Licensing Prerequisites" for educational requirements that apply to the first year of licensure. Initial licensing period commences on the date license is issued and ends on the licensee's first birthday thereafter.

Licensees must submit proof of completion of thirty hours of continuing education every three years. Ten hours of credit may be carried over from one licensing period to the subsequent period.

Active licensees who are seventy years of age or older must submit proof of completion of nine hours of continuing education every three years. If such a person is licensed as a broker, broker on deposit, or designated as a management level licensee, he or she must also complete a three-hour continuing education course on the duties of a principal broker and other issues involved in real estate brokerage operations.

Minimum class length

The term "hour of continuing education" is defined as sixty minutes. A licensee may not receive credit for more than eight classroom hours of instruction in any one calendar day.

Subjects

If a renewal applicant is licensed as a broker, broker on deposit, or acts as a management level licensee, he or she must complete a three-hour continuing education course on the duties of a principal broker and other issues involved in real estate brokerage operations as part of the thirty-hour continuing education requirement.

For every three-year reporting period, licensees must complete:

- three classroom hours minimum in a course devoted exclusively to instruction in municipal, state and federal civil rights laws; civil rights case law; desegregation issues; methods for eliminating the effects of prior discrimination and strategies for affirmatively furthering fair housing;

- three classroom hours minimum in a course on recently enacted current state and federal legislation affecting the real estate industry, which may include, but not be limited to, relevant state real estate licensing laws and regulations, court decisions and related reports; certified attendance of an entire monthly meeting of the Commission may satisfy this requirement; and
- three classroom hours minimum in a course on the canons of ethics for the real estate industry as adopted by the Ohio Real Estate Commission.

Attendance requirements

Course providers may not certify the attendance of a student who was physically present for less than ninety percent of the course.

Online classes

No restrictions on the use of online classes for continuing education were located.

Other requirements

Licensees may receive credit for a course that has not been previously certified by the Real Estate Commission only when:

- the course is not a course that is required;
- the course is solely offered outside the state of Ohio;
- the course meets the requirements for course approval;
- the licensee submits the course for credit within the same continuing education reporting period in which the course was taken; and

- for each course, the licensee submits an out of state education compliance form, the course syllabus, course attendance certificate and a \$100 course approval application fee.

ASSOCIATE (OR OTHER) BROKER REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SALESPERSON OR AGENT REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section 4735.141 amended 2016; regulation amended/promulgated 2019.

[Ohio Rev. Code § 4735.141 \(2019\); Ohio Admin. Code 1301:5-7-02 \(2019\)](#)

Ohio, Licensing Categories

BROKER

"Real estate broker" includes any person, partnership, association, limited liability company, limited liability partnership, or corporation, who for another, whether pursuant to a power of attorney or otherwise, and who for a fee, commission, or other valuable consideration, or with the intention, or in the expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration does any of the following:

- sells, exchanges, purchases, rents, or leases, or negotiates the sale, exchange, purchase, rental, or leasing of any real estate;

- offers, attempts, or agrees to negotiate the sale, exchange, purchase, rental, or leasing of any real estate;
- lists, or offers, attempts, or agrees to list, or auctions, or offers, attempts, or agrees to auction, any real estate;
- buys or offers to buy, sells or offers to sell, or otherwise deals in options on real estate;
- operates, manages, or rents, or offers or attempts to operate, manage, or rent, other than as custodian, caretaker, or janitor, any building or portions of buildings to the public as tenants;
- advertises or holds self out as engaged in the business of selling, exchanging, purchasing, renting, or leasing real estate;
- directs or assists in the procuring of prospects or the negotiation of any transaction, other than mortgage financing, which does or is calculated to result in the sale, exchange, leasing, or renting of any real estate;
- is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with any contract to promote the sale, exchange, purchase, rental, or leasing of real estate through its listing in a publication issued primarily for such purpose, or for referral of information concerning such real estate to brokers, except that this definition does not apply to a publisher of listings or compilations of sales of real estate by their owners; or
- collects rental information for purposes of referring prospective tenants to rental units or locations of such units and charges the prospective tenants a fee.

ASSOCIATE [OR OTHER] BROKER

No relevant provisions were located.

SALESPERSON OR AGENT

A "real estate salesperson" is any person associated with a licensed real estate broker to do or to deal in any acts or transactions included in the definition of a real estate broker, for compensation or otherwise.

SPECIALIST CATEGORIES

Foreign real estate dealer

Any person, partnership, association, limited liability company, limited liability partnership, or corporation, foreign or domestic, who for another, whether pursuant to a power of attorney or otherwise, and who for a fee, commission, or other valuable consideration, or with the intention, or in the expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration, does or deals in any act or transaction of a real estate broker with respect to foreign real estate.

Foreign real estate salesperson

Any person associated with a licensed foreign real estate dealer to do or deal in any act or transaction of a real estate broker with respect to foreign real estate, for compensation or otherwise.

"Foreign real estate" means real estate or any interest in real estate not situated in Ohio.

Section 4735.01 amended 2019.

[Ohio Rev. Code § 4735.01 \(2019\)](#)

[Ohio, Licensing Exemptions](#)

The real estate licensing laws do not apply to a person who performs the activities of a real estate broker:

- with reference to real estate in Ohio owned by such person, or acquired on its own account in the regular course of, or as an incident to the management of the property and the investment in it;
- as receiver or trustee in bankruptcy, as guardian, executor, administrator, trustee, assignee, commissioner, or any person, under authority or appointment of, or incident to a proceeding in, any court, or as a public officer, or as executor, trustee, or other bona fide

fiduciary under any trust agreement, deed of trust, will, or other instrument creating a like bona fide fiduciary obligation;

- as a public officer while performing the officer's official duties;
- as an attorney at law in the performance of the attorney's duties;
- as a person who engages in the brokering of the sale of business assets, not including the negotiation of the sale, lease, exchange, or assignment of any interest in real estate;
- as a person who engages in the sale of manufactured homes or of mobile homes, provided the sale does not include the negotiation, sale, lease, exchange, or assignment of any interest in real estate;
- as a person who engages in the sale of commercial real estate as a non-resident commercial broker or salesperson;
- as an oil and gas land professional in the performance his or her duties, provided the oil and gas land professional is not engaged in the purchase or sale of a fee simple absolute interest in oil and gas or other real estate and complies with § 4735.023(A); or
- as an oil and gas land professional employed by the person or entity for which the oil and gas land professional is performing his or her duties.

An individual working with residential rental property who works under the supervision of a principal broker or management level licensee and whose compensation for service is primarily on a salaried or hourly basis is exempt from licensure if he or she performs only the following limited duties:

- maintenance;

- clerical or administrative support;
- collecting or accepting rents and/or security deposits which are made payable to the owner or real estate brokerage;
- exhibiting or showing residential rental units to prospective tenants;
- furnishing published information;
- supplying applications and leases; or
- receiving applications and leases for submission to the owner or brokerage for approval.

In order to be exempt from the licensure requirement, the individual working under supervision may not perform the following:

- negotiating contracts or lease agreements;
- varying or deviating from the rental price and/or other terms and conditions previously established by the owner or broker when supplying information concerning the rental of property to a prospective tenant;
- approving applications or lease agreements, or settling or arranging the terms and conditions of a lease on behalf of the owner or brokerage;
- offering inducements to prospective tenants unless they are previously advertised or prearranged with the owner or principal broker;

- interpreting or providing their opinion concerning the terms or conditions of a lease agreement; or
- indicating to the public that he or she is in a position of authority which has the ultimate managerial responsibility of the rental property.

Section 4735.01 amended 2019; regulation 1301:5-5-07 amended 2019.

[Ohio Rev. Code § 4735.01 \(2018\); Ohio Admin. Code § 1301:5-5-07 \(2019\)](#)

Ohio, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

An applicant for a broker's license who was licensed as a real estate salesperson prior to August 1, 2001, must show successful completion at an institution of higher education by classroom instruction or distance education all of the following:

- thirty hours of instruction in real estate practice;
- thirty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination;
- thirty hours of instruction in real estate appraisal, except that an applicant holding an Ohio real estate appraiser license is exempt from this requirement;
- thirty hours of instruction in real estate finance;

- three quarter hours, or its equivalent in semester hours, in financial management;
- three quarter hours, or its equivalent in semester hours, in human resource or personnel management;
- three quarter hours, or its equivalent in semester hours, in applied business economics; and
- three quarter hours, or its equivalent in semester hours, in business law.

If licensed as a real estate salesperson on or after August 1, 2001, an applicant must show successful completion at an institution of higher education by classroom instruction or distance education all of the following:

- forty hours of instruction in real estate practice;
- forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination;
- twenty hours of instruction in real estate appraisal, except that an applicant holding an Ohio real estate appraiser license is exempt from this requirement;
- twenty hours of instruction in real estate finance;
- three quarter hours, or its equivalent in semester hours, in financial management;
- three quarter hours, or its equivalent in semester hours, in human resource or personnel management;

- three quarter hours, or its equivalent in semester hours, in applied business economics; and
- three quarter hours, or its equivalent in semester hours, in business law.

If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the classroom instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio Civil Rights Commission who is knowledgeable with respect to those subjects.

An applicant who was licensed as a real estate salesperson on or after January 3, 1984, must show satisfactory completion of a minimum of two years of post-secondary education, or its equivalent in semester or quarter hours, at an institution of higher education. The education requirements referenced above may be included in the required two years of post-secondary education, or its equivalent in semester or quarter hours.

First-year educational requirements

No later than twelve months after the date of issue of a real estate broker's license, the licensee shall submit proof of the completion of ten hours of classroom instruction completed in schools, seminars and educational institutions approved by the [Division of Real Estate & Professional Licensing](#). Curriculum and providers must be approved by the Commission. The ten hours may not be taken before the broker's license is issued.

Post-licensure instruction may not be offered to a licensee in a format in which the instruction exceeds eight hours in any one calendar day.

Service in "lower" category

An applicant for a broker's license must show that he or she has been a licensed real estate broker or salesperson for at least two years, and that during at least two of the five years preceding the person's application, he or she has worked as a licensed real estate broker or salesperson for an average of at least thirty hours per week. Applicants must also show completion of one of the following:

- at least twenty real estate transactions, in which property was sold for another; or
- where the experience of an applicant substantially complies with, but is clearly not subject to the definition of "real estate transaction", the Superintendent may recommend that the

information on file pertinent to the application of such individual be reviewed by the Real Estate Commission without precluding the applicant's opportunity to personally appeal the initial review of his or her application.

The term "real estate transaction" is defined as follows:

- one consummated bona fide sale of a real property and the improvements thereon for the account of another in which the applicant received compensation and was the procuring or selling agent, is one-half transaction;
- one consummated bona fide sale of a real property and the improvements thereon for the account of another, in which the applicant received compensation and was the listing agent, is one-half transaction;
- one lease of individual commercial or industrial property for a term of at least one year, for the account of another in which the applicant received compensation and was the procuring agent, is one-half transaction;
- one lease of individual commercial or industrial property for a term of at least one year for the account of another in which the applicant received compensation and was the listing agent, is one-half transaction;
- one lease of residential property for a term of at least one year for the account of another in which the applicant received compensation and was the listing and/or procuring agent, is one-half transaction; or
- if leasehold transactions constitute sixteen or more of the required number of transactions, the applicant must have completed three years full-time experience in property management.

Waiver of qualifications for some professionals

The educational requirements do not apply to a salesperson whose license was issued prior to

January 2, 1972. The requirements of education in financial management, human resource or personnel management, applied business economics, business law do not apply to real estate salespersons who were licensed prior to January 3, 1984.

The requirements of instruction in Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination do not apply to an applicant who is a licensed attorney.

The Superintendent may waive one or more of the requirements in the case of an application from a nonresident real estate broker pursuant to a reciprocity agreement with the licensing authority of the state from which the nonresident applicant holds a valid real estate broker license.

Annual fees and filings

Licenses are valid for a three-year period. The fee to renew a broker's license is \$180 (\$243 effective Nov. 1, 2019). Partial payments are not accepted.

Applicant investigation

Each person applying for a license must submit one complete set of fingerprint impressions directly to the Superintendent of the Bureau of Criminal Identification and Investigation for the purpose of conducting a criminal records check.

Examinations

Applicants have twelve months from the date of notification of their eligibility in which to pass both parts of the examination.

The content of the examination will be segmented into one portion on national law comprising two-thirds of the examination, and one portion on Ohio state law, comprising the remaining one-third of the examination. The applicant must achieve a scaled score of at least seventy-five percent on each portion of the examination in order to be considered as passing both portions.

If the applicant achieves a scaled score of seventy-five on one portion of the examination, but not both, then the applicant need only retake and pass the failed portion to achieve complete passage of the examination.

The Ohio portion of the examination shall be oriented towards the subject areas of the educational requirements.

Examinations shall be administered with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990."

Other prerequisites

The application fee for a broker's license is \$135. Applicants must also pay the examination fee set forth in the agreement between the Superintendent and the testing vendor.

No applicant may take the broker's examination if he or she has not established to the satisfaction of the Superintendent that the applicant:

- is honest, truthful, and of good reputation;
- has not been convicted of a felony or crime of moral turpitude, or if the applicant has been so convicted, the Superintendent has disregarded the conviction because the applicant has proven, by a preponderance of the evidence, that his or her activities and employment record since the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant again will violate the laws involved;
- has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if the applicant has been so adjudged, at least two years have passed since the court decision and the Superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant's activities and employment record since the adjudication show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant will again violate the laws involved;
- has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to, the real estate licensing laws, or, if the applicant has violated any such provision or rule, has established to the satisfaction of the Superintendent that the applicant will not again violate such provision or rule.

An applicant who passes the broker examination must, within 30 days of the examination date:

- activate the broker license;

- place the broker license on deposit, if desired; or
- reactivate the salesperson licensee.

Corporate licensees

An applicant that is a corporation, partnership, limited liability partnership, or limited liability company must have at least one principal broker affiliated with it. Said principal broker shall perform the functions of a principal broker solely on behalf of and in the name of the corporation, partnership, limited liability partnership, or limited liability company, unless he or she has been approved by the Superintendent to serve as a principal broker for more than one brokerage. All the members or officers who are authorized to perform the functions of a real estate broker as the agents of an applicant that is a partnership, association, limited liability company, limited liability partnership, or corporation, must be licensed themselves as real estate brokers.

For purposes of the licensing law, a sole proprietorship has only one affiliated broker who acts as the principal broker.

ASSOCIATE (OR OTHER) BROKER QUALIFICATIONS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON OR AGENT QUALIFICATIONS

Education

An applicant born after the year 1950 must have a high school diploma or a certificate of high school equivalence by the state Department of Education.

An applicant must show that he or she has successfully completed at an institution of higher education, by classroom instruction or distance education, all of the following:

- forty hours of instruction in real estate practice;

- forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination;
- twenty hours of instruction in real estate appraisal; and
- twenty hours of instruction in real estate finance.

Any person who has not been licensed as a real estate salesperson or broker within a four-year period immediately preceding the person's current application for the salesperson's examination must have successfully completed the instruction within a ten-year period immediately preceding the person's current application for the salesperson's examination.

If feasible, the classroom instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school, and the classroom instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects.

First-year educational requirements

No later than twelve months after the date of issue of a real estate salesperson's license, the licensee shall submit proof of the completion of twenty hours of instruction completed in schools, seminars and educational institutions approved by the Division. Curriculum and providers must be approved by the Division. The twenty hours may not be taken before the broker's license is issued. See Ohio Admin. Code § 1301:5-7-09 for procedures for approval of post-licensing education providers and courses.

The post-licensing education may be completed only after the issuance of the salesperson's license.

If proof of completion of the required instruction is not submitted within twelve months of the issuance of a license, the license is suspended automatically without the taking of any action by the Superintendent of Real Estate. The Superintendent will immediately notify the broker with whom such salesperson is associated of the suspension of the salesperson's license.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

The requirements of classroom instruction in Ohio real estate law and in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination do not apply to an applicant who is a licensed attorney.

The Real Estate Superintendent may waive one or more of the licensing requirements in the case of an applicant who is a licensed real estate salesperson in another state pursuant to a reciprocity agreement with the licensing authority of the state from which the applicant holds a valid real estate salesperson's license.

Annual fees and filings

Licenses are valid for a three-year period. The fee to renew a salesperson's license is \$135 (\$182 effective Nov. 1, 2019). Partial payments are not accepted.

Applicant investigation

Each person applying for a license must submit one complete set of fingerprint impressions directly to the Superintendent of the Bureau of Criminal Identification and Investigation for the purpose of conducting a criminal records check.

Examinations

Applicants have twelve months from the date of notification of their eligibility in which to pass both parts of the examination.

The content of the examination will be segmented into one portion on national law comprising two-thirds of the examination, and one portion on Ohio state law, comprising the remaining one-third of the examination. The applicant must achieve a scaled score of at least seventy percent on each portion of the examination in order to be considered as passing both portions.

If the applicant achieves a scaled score of seventy-five on one portion of the examination, but not both, then the applicant need only retake and pass the failed portion to achieve complete passage of the examination.

The Ohio portion of the examination shall be oriented towards the subject areas of the educational requirements.

Examinations shall be administered with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990."

Other prerequisites

The application fee for a salesperson's license is \$60 (\$81 effective Nov. 1, 2019). Applicants must

also pay the examination fee set forth in the agreement between the Superintendent and the testing vendor.

No applicant may take the salesperson's examination unless he or she has established to the satisfaction of the Superintendent that the applicant:

- is honest, truthful, and of good reputation;
- has not been convicted of a felony or crime of moral turpitude or, if the applicant has been so convicted, the Superintendent has disregarded the conviction because the applicant has proven, by a preponderance of the evidence, that the applicant's activities and employment record since the conviction show that he or she is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant again will violate the laws involved;
- has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if the applicant has been so adjudged, at least two years have passed since the court decision and the Superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that he or she is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant again will violate the laws involved;
- has not, during any period in which the applicant was licensed under the real estate licensing laws, violated any provision of, or any rule adopted pursuant to, the licensing laws, or, if the applicant has violated such provision or rule, has established to the satisfaction of the Superintendent that he or she will not again violate such provision or rule; and
- is at least eighteen years of age.

SPECIALIST QUALIFICATIONS

Foreign real estate dealer

An application to act as a foreign real estate dealer shall be in writing and filed with the Superintendent of Real Estate. It shall contain the following information:

- the name and address of the applicant;
- a description of the applicant, including, if the applicant is a partnership, unincorporated association, or any similar form of business organization, the names and the residence and business addresses of all partners, officers, directors, trustees, or managers of the organization, and the limitation of the liability of any partner or member; and if the applicant is a corporation, a list of its officers and directors, and the residence and business addresses of each, and, if it is a foreign corporation, a copy of its articles of incorporation in addition;
- the location and addresses of the principal office and all other offices of the applicant;
- a general description of the business of the applicant prior to the application, including a list of states in which the applicant is a licensed foreign real estate dealer;
- the names and addresses of all salesmen of the applicant at the date of the application; and
- the nature of the business of the applicant, and its places of business, for the ten-year period preceding the date of application.

The Superintendent may investigate any applicant for a dealer's license, and may require any additional information he considers necessary to determine the business repute and qualifications of the applicant to act as a foreign real estate dealer. If the application for a dealer's license involves investigation outside Ohio, the Superintendent may require the applicant to advance sufficient funds to pay any of the actual expenses of the investigation, and an itemized statement of such expense shall be furnished to the applicant.

Every applicant shall take a written examination, prescribed and conducted by the Superintendent, which covers his knowledge of the principles of real estate practice, real estate law, financing and appraisal, real estate transactions and instruments relating to them, canons of business ethics relating to real estate transactions, and the duties of foreign real estate dealers and salesmen.

The fee for the examination, when administered by the Superintendent, is \$75 (\$100 effective Nov. 1, 2019). The requirement of an examination may be waived in whole or in part by the Superintendent if an applicant is licensed as a real estate broker by any state.

No person may take the foreign real estate dealer's examination who has not established to the satisfaction of the Superintendent that he or she:

- has not been convicted of a felony or a crime of moral turpitude or, if he has been so convicted, the Superintendent has disregarded the conviction because the applicant has proven by a preponderance of the evidence, that his activities and employment record since the conviction show that he is honest, truthful, and of good reputation, and there is no basis in fact for believing that he again will violate the laws involved;
- has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if he has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that his activities and employment record since the adjudication show that he is honest, truthful, and of good reputation, and there is no basis in fact for believing that he again will violate the laws involved;
- has not, during any period for which he was licensed under the laws applicable to licensed foreign real estate dealers or salesmen, violated any provision of, or any rule adopted pursuant to, those laws, or, if he has violated any such provision or rule, has established to the satisfaction of the superintendent that he will not again violate the provision or rule.

If the Superintendent finds that an applicant for a license as a foreign real estate dealer, or each named member, manager, or officer of a partnership, association, or corporate applicant is at least eighteen years of age, is of good business repute, has passed the examination or has had the requirement of an examination waived, and appears otherwise qualified, the Superintendent shall issue a license to the applicant to engage in business in this state as a foreign real estate dealer.

The fee for a foreign real estate dealer's license is \$30 per salesperson employed by the dealer, but not less than \$150.

An application to act as a foreign real estate salesman shall be in writing and filed with the Superintendent of Real Estate. It shall be in the form the Superintendent prescribes and shall contain the following information:

- the name and complete residence and business addresses of the applicant;
- the name of the foreign real estate dealer who is employing the applicant or who intends to employ him;
- the age and education of the applicant, and his experience in the sale of foreign real estate; whether he has ever been licensed by the superintendent, and if so, when;
- whether he has ever been refused a license by the Superintendent; and whether he has ever been licensed or refused a license or any similar permit by any division or Superintendent of real estate, by whatsoever name known or designated, anywhere; and
- the nature of the employment, and the names and addresses of the employers, of the applicant for the period of ten years immediately preceding the date of the application.

Every applicant shall take a written examination, prescribed and conducted by the Superintendent, which covers his knowledge of the principles of real estate practice, real estate law, financing and appraisal, real estate transactions and instruments relating to them, canons of business ethics relating to real estate transactions, and the duties of foreign real estate salesmen. The fee for the examination, when administered by the Superintendent, is \$50 (\$68 effective Nov. 1, 2019).

The requirement of an examination may be waived in whole or in part by the Superintendent if an applicant is licensed as a real estate broker or salesman by any state.

No person shall take the foreign real estate salesman's examination who has not established to the satisfaction of the Superintendent that he:

- has not been convicted of a felony or a crime of moral turpitude or, if he has been so convicted, the Superintendent has disregarded the conviction because the applicant has proven to the Superintendent, by a preponderance of the evidence, that his activities and employment record since the conviction show that he is honest, truthful, and of good reputation, and there is no basis in fact for believing that he again will violate the laws involved;

- has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if he has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that his activities and employment record since the adjudication show that he is honest, truthful, and of good reputation, and there is no basis in fact for believing that he will again violate the laws; and
- has not, during any period for which he was licensed under the laws applicable to licensed foreign real estate dealers or salesmen, violated any provision of, or any rule adopted pursuant to, the laws, or, if he has violated any such provision or rule, has established to the satisfaction of the Superintendent that he will not again violate the provision or rule.

Every salesman of foreign real estate shall be licensed by the Superintendent of Real Estate and shall be employed only by the licensed foreign real estate dealer specified on his license.

If the Superintendent finds that the applicant is of good business repute, appears to be qualified to act as a foreign real estate salesman, and has fully complied with the provisions of the laws, and that the dealer in the application is a licensed foreign real estate dealer, the Superintendent, upon payment of the fees, shall issue a license to the applicant authorizing him to act as salesman for the dealer named in the application.

The fee for a foreign real estate salesperson's license is \$50 (\$68 effective Nov. 1, 2019).

Sections 4735.07 and 4735.09 amended 2016; § 4735.08 enacted 2000; §§ 4735.27, 4735.28 and 4735.06 amended 2019; regulations last reviewed 2018; regulations 1301:5-1-03, 1301:5-1-05, 1301:5-1-15, 1301:5-3-04 and 1301:5-3-15 amended 2019; regulations 1301:5-1-22, 1301:5-1-23 and 1301:5-1-15 amended 2013 regulation 1301:5-7-09.

[Ohio Rev. Code §§ 4735.06; .07; .08; .09; .27; .28 \(2019\); Ohio Admin. Code §§ 1301:5-1-03, -05, -15, -22, -23; -3-04; -15; 7-09 \(2019\)](#)

Oklahoma

Oklahoma, Continuing Education Approval

PROVIDER

General requirements

The continuing education requirements shall be satisfied by courses approved by the [Real Estate Commission](#) and offered by:

- the Commission;
- an area vocational-technical school;
- a college or university;
- a private school;
- the Oklahoma Association of Realtors, the National Association of Realtors, or any affiliate thereof;
- the Oklahoma Bar Association, American Bar Association, or any affiliate thereof; or
- an approved education provider.

The requirements may also be satisfied by any offering in real estate, or directly related area, approved and/or accepted by the real estate regulatory agency in another state; provided that offering is not excluded by the Oklahoma Real Estate Commission, or by any offering in real estate, or directly related area, not otherwise accepted, which can be determined by the Commission to be in compliance with the intent of the continuing education rules.

The Real Estate Commission maintains a list of approved providers.

Course approval is valid for twenty-four months.

Approval applications

An application for approval must include, but is limited to, the following information:

- the name, address, and telephone number of the sponsoring entity, the owner, and the coordinator/director responsible for the quality of the offering;
- the title of the course offering or offerings;
- the number of hours in each course offering;
- the tuition/registration fee and cancellation/refund policy;
- a copy of the curriculum, or revised curriculum with revisions noted, including comprehensive course objectives, legible detailed outline of the course subject matter, and instructors for each segment;
- the method of evaluation of the course offering which will be used by the entity;
- the procedure for monitoring attendance;
- a personal resume indicating name and qualifications of the instructor;
- the number of years the entity has been offering real estate related education;
- any other relevant information useful in determining that the applicant is presenting an offering which will meet the definition, purposes, goals and objectives of the continuing education requirements; and
- a statement attesting to the fact that in accepting approval as a continuing education provider, the entity will protect and promote the purposes, goals and objectives of continuing education.

Effective July 1, 2010, copies of course materials are not required to be sent to the Commission.

Distance learning course approval

Approved distance continuing education course offerings shall conclude with an end-of-course examination consisting of no less than seven questions for each clock hour. End-of-course examination questions may not be the same as any previously used questions covering the respective course content. A complete set of questions and an answer key must be provided to the Commission with each course application. The answer key may not be included in any course materials provided to the student.

Students must receive a score of at least 80% in order to obtain credit for the course.

Each course must contain suitable learning objectives. Overview statements must be included for each course providing a quick preview of what is contained in the offering.

Students shall have six months in which to complete the course offering.

Providers must include information with the course material that clearly informs the student of the completion time frame, passing and examination requirements, and any other relevant information necessary to complete the course. Each course must include a statement that the information presented in the course should not be used as a substitute for competent legal advice.

Course offerings must be sufficient in scope and content to justify the hours requested for approval.

Advertising

A course may not be advertised as endorsed, recommended or accredited by the Real Estate Commission. The course provider may indicate that a course of study has been approved by the Commission.

Student records

A provider shall maintain a record of enrollment records and roll sheets which include number of hours attempted by each student for a period of seven years.

Certificates of completion

Each licensee successfully completing course shall be furnished a certificate, prescribed or approved by the Real Estate Commission, certifying completion.

Other submissions

Applications for course approval or renewal of approval must be accompanied by a \$70 fee.

Within five days of the completion of a course, the provider must submit to the Real Estate Commission, in the electronic format prescribed by the Commission, a list of the names, license numbers, and other identifying information of those licensees who successfully completed the said offering, along with other information which may be required.

A coordinator/director or instructor shall not allow the classroom to be used by anyone to advertise and/or recruit new affiliates for any company. The coordinator/director post the following statement in the classroom: "No recruiting for employment opportunities for any real estate brokerage firm is allowed in this class or on the premises. Any recruiting on behalf of, or permitted by, the Instructor should be promptly reported to the Oklahoma Real Estate Commission."

CONTENT

The following offerings will not be considered by the Commission to meet continuing education requirements:

- general training or education not directly related to real estate or real estate practices;
- offerings in mechanical office and business skills such as typing, speed reading, memory improvement, report writing, and personal motivation that is not directly related to real estate;
- sales promotion or other meetings held in conjunction with the general real estate brokerage business;
- meetings which are a normal part of in-house training;
- that portion of any offering devoted to breakfast, luncheon, dinner, or other refreshments;
or
- prelicense general training and education to obtain a provisional sales associate or sales associate license or license examination refresher courses for provisional sales associate/sales associate or broker.

The Commission has the authority to disapprove any other offering which fails to meet the adopted purposes, goals and objectives of continuing education.

MATERIALS

A complete description of or copies of all materials to be distributed to the participants must be included with the application for course approval. If materials provided by the Real Estate Commission are to be used, a complete description shall not be required.

INSTRUCTOR QUALIFICATIONS

In order to qualify as an instructor, an individual must possess proof of one of the following:

- possession of a bachelor's degree in a related field;
- possession of a valid teaching credential or certificate from Oklahoma or another state authorizing the holder to teach in an applicable field of instruction; or
- five years full-time experience out of the previous ten years in a profession, trade, or technical occupation in the applicable field of instruction;
- an individual determined by the Commission to possess a combination of education and/or experience, in a related field to that in which the person is to teach, which constitute an equivalent to one or more of the qualifications set out above.

Each application for instructor approval must be accompanied by a \$10 application fee, and documentation required for compliance necessary to verify citizenship, qualified alien status, and eligibility under the Personal Responsibility and work Opportunity Reconciliation Act of 1996.

An instructor shall not wear any identification relating to a specific name or identity of a real estate company, a group of companies or franchises while in the class or on the premises.

PRIOR APPROVAL REQUIREMENTS

Approval timing

The Real Estate Commission shall provide applicants for approval with a decision within sixty days of receiving the application for approval.

Approval after class date

No provisions expressly permitting approval after the class date were located.

EXAMINATION

Examination requirements

Except for distance learning course, no examinations are required.

Proctors

No relevant provisions were located.

Section 858-307.2 amended 2011; regulation 605:10-5-2 amended 2014; r. 10-5-3 amended 2019, effective Nov. 1, 2019; r. 10-3-6 emergency amendment effective Nov. 1, 2017, made permanent effective Nov. 1, 2018.

[Okla. Stat. tit. 59, § 858-307.2 \(2019\); Okla. Admin. Code §§ 605:10-3-6; -5-2; -5-3 \(2019\); see 2019 Rule Amendments \(effective Nov. 1, 2019\)](#)

Oklahoma, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

The continuing education requirements do not apply:

- when a license is on inactive status;
- to a licensee who holds a provisional sales associate license;

- to a nonresident licensee licensed in Oklahoma if the licensee maintains a current license in another state and has satisfied the continuing education requirement for license renewal in that state; or
- to a corporation, association partnership or branch office.

Effective November 1, 2011, if the nonresident licensee is exempt from the continuing education requirements in all states in which he or she is licensed, the nonresident licensee must successfully complete the Oklahoma continuing education requirements for license renewal or reactivation.

Required hours

As a condition of license renewal, licensees must complete twenty-one hours of continuing education in approved courses every three years. Excess hours may be carried over to the next licensing term.

A licensee who teaches an approved continuing education course shall be credited with one hour for each hour of actual instruction performed. An instructor may not receive continuing education credit for instructing an offering more than one time during a license term.

Minimum class length

A course must be a minimum of one clock hour. A clock hour equals sixty minutes, with no more than ten minutes of each hour utilized for breaks.

Subjects

Six of the required twenty-one hours must be in the following required subjects:

- professional conduct;
- broker relationships act;
- fair housing;

- contracts and forms;
- code and rule updates; and
- current issues.

The remaining fifteen clock hours may consist of elective subject matter as approved by the Real Estate Commission.

A licensee may complete the 15 clock-hour broker-in-charge course in lieu of the required subject matter courses.

Completion of an approved ninety-hour prelicense broker course or an approved forty-five hour provisional sales associate post-license course, or its respective equivalent as determined by the Real Estate Commission shall suffice for twenty-one hours of continuing education credit for a licensee. An individual segment of an approved prelicense broker course or an approved provisional sales associate post-license course shall suffice for continuing education credit provided such individual segment has also been separately approved for continuing education credit.

A particular course offering may not be taken for continuing education credit more than once from the same entity and/or instructor during a renewal period. Educational courses taken for disciplinary reasons do not count towards the normal continuing education requirements for licensees.

All brokers must successfully complete the 15-hour broker-in-charge course each license term. In addition, to complete the licensee's continuing education requirement, the broker must complete, in addition to the 21-hour requirement, at least two of the six required subject matter courses, equal to at least six clock hours

Attendance requirements

To complete a course, a person must physically be present during all of the instruction time and successfully complete all course requirements.

Online classes

To complete a distance education course, a person must successfully complete all course requirements to include all modules and an examination.

Other requirements

Each licensee is responsible to the Real Estate Commission to furnish evidence of having successfully completed the continuing education requirements for license renewal. As evidence of having completed the requirements, each licensee shall present:

- a certificate, and/or documents, statements and forms, as may be required by the Commission; or
- a certified transcript. If a class is taken as an accredited C.E.U. (Continuing Education Unit) a certificate may be accepted in lieu of the transcript.

ASSOCIATE (OR OTHER) BROKER REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SALESPERSON OR AGENT REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SPECIALTY LICENSE REQUIREMENTS

Provisional sales associate

Provisional sales associates are required to complete forty-five hours of post-licensing education within one year of being licensed. See "Licensing Prerequisites."

Provisional sales associates' licenses are non-renewable.

Section 858-302 amended 2013; section 858-307.2 amended 2011; regulation 605:10-5-2 amended 2014; r. 10-5-3 amended 2019; r. 10-3-6 emergency amendment 2017, effective Nov. 1, 2017, made permanent Nov. 1, 2018.

[Okla. Stat. tit. 59, § 858-302; 307.2 \(2019\)](#); [Okla. Admin. Code §§ 605:10-3-6; -5-2; -5-3 \(2019\)](#); see [2019 Rule Amendments \(effective Nov. 1, 2019\)](#)

Oklahoma, Licensing Categories

BROKER

The term "broker" includes any person, partnership, association or corporation who for a fee, commission or other valuable consideration, or who with the intention or expectation of receiving or collecting a fee, commission or other valuable consideration, lists, sells or offers to sell, buys or offers to buy, exchanges, rents or leases any real estate, or who negotiates or attempts to negotiate any such activity, or solicits listings of places for rent or lease, or solicits for prospective tenants, purchasers or sellers, or who advertises or holds himself out as engaged in such activities.

Effective November 1, 2017, "broker" is limited to the license types of Broker Manager (BM), Proprietor Broker (BP) or Branch Broker (BB).

ASSOCIATE [OR OTHER] BROKER

A "broker associate" is defined as any person who has qualified for a *license as a broker* and who is employed or engaged by, associated as an independent contractor with, or on behalf of, a broker to do or deal in any act, acts or transaction set out in the definition of a broker.

Effective November 1, 2017, "broker associate" includes any person who has qualified for a *license as a broker associate*, and who is employed or engaged by, associated as an independent contractor with, or on behalf of, and with the permission of a broker to perform any act set out in the definition of a "broker."

SALES ASSOCIATE

A "real estate sales associate" is defined as any person having a renewable license and employed or engaged by, or associated as an independent contractor with, or on behalf of, a broker to do or deal in any act, acts or transactions set out in the definition of a "broker."

SPECIALIST CATEGORIES

Provisional sales associate

A "provisional sales associate" is "any person licensed after June 30, 1993, employed or engaged by, or associated as an independent contractor with, or on behalf of, a broker to do or deal in any act, acts or transactions set out in the definition of a broker" and subject to an additional 45-clock-hour postlicensing educational requirement to be completed within the 12-month license term. The license of a provisional sales associate must be nonrenewable unless the postlicensing requirement is satisfied prior to the license expiration date.

The term sales associate and provisional sales associate are synonymous except where specific exceptions are addressed in the Oklahoma Real Estate laws and rules.

Section 858-102 amended 2017.

[**Okla. Stat. tit. 59, § 858-102 \(2019\)**](#)

Oklahoma, Licensing Exemptions

The real estate licensing laws do not:

- prevent any person, partnership, trust, association or corporation, or the partners, officers or employees of any partnership, trustees or beneficiaries of any trust, association or corporation, from acquiring real estate for its own use, or prevent any person, partnership, trust, association or corporation, or the partners, officers or employees of any person, partnership, trustees or beneficiaries of any trust, association or corporation, as owner, lessor or lessee of real estate, from selling, renting, leasing, exchanging, or offering to sell, rent, lease or exchange, any real estate so owned or leased, or from performing any acts with respect to such real estate when such acts are performed in the regular course of, or as an incident to, the management, ownership or sales of such real estate and the investment therein;
- apply to persons acting as the attorney-in-fact for the owner of any real estate authorizing the final consummation by performance of any contract for the sale, lease or exchange of such real estate;

- in any way prohibit any attorney-at-law from performing the duties of the attorney as such, or prohibit a receiver, trustee in bankruptcy, administrator, executor, or his or her attorney, from performing his or her duties, or any person from performing any acts under the order of any court, or acting as a trustee under the terms of any trust, will agreement or deed of trust;
- apply to any person acting as the resident manager for the owner or an employee acting as the resident manager for a licensed real estate broker managing an apartment building, duplex, apartment complex or court, when such resident manager resides on the premises and is engaged in the leasing of property in connection with the employment of the resident manager;
- apply to any person who engages in real estate-related activity on behalf of a corporation or governmental body, to acquire easements, rights-of-way, leases, permits and licenses, including any and all amendments thereto, and other similar interests in real estate, for the purpose of, or facilities related to, transportation, communication services, cable lines, utilities, pipelines, or oil, gas, and petroleum products;
- apply to any person who engages in real estate-related activity in connection with the acquisition of real estate on behalf of an entity, public or private, which has the right to acquire the real estate by eminent domain;
- apply to any person who is a resident of an apartment building, duplex, or apartment complex or court, when that person receives a resident referral fee. As used in this paragraph, a "resident referral fee" means a nominal fee not to exceed \$100.00, offered to a resident for the act of recommending the property for lease to a family member, friend, or coworker;
- apply to any person or entity managing a transient lodging facility. A "transient lodging facility" is a furnished room or furnished suite of rooms rented to a person on a daily basis, not as a principal residence, for a period of less than thirty days; or
- apply to employees of a licensed real estate broker who lease residential housing units only to persons who qualify to lease the property in an affordable housing development project through a state or federal subsidized housing program. "Affordable housing development project" is defined in the law as "a housing development of four or more units constructed

for lease to specifically eligible persons as required by the particular federal or state housing program, including, but not limited to, the U.S. Department of Housing and Urban Development, the U.S. Department Agriculture Rural Development, the U.S. Department of Treasury Internal Revenue Service, or the Oklahoma Housing Finance Agency.”

Section 858-301 amended 2011.

[Okla. Stat. tit. 59, § 858-301 \(2019\)](#)

Oklahoma, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

Prior to November 1, 2017, applicants for a broker's license must complete ninety clock hours of classroom instruction in an advanced course approved by the [Real Estate Commission](#). This instruction is in addition to any instruction received to qualify for a sales associate license.

Effective November 1, 2017, applicants for a broker license who hold a sales associate license or are not currently licensed must:

- complete ninety clock hours of classroom instruction in an advanced course approved by the [Real Estate Commission](#); and
- complete the Broker in Charge course.

Effective November 1, 2017, applicants for a broker license who hold a broker associate license must submit to the Commission evidence of successful completion of the Broker in Charge course.

The advanced course in real estate includes the following topics:

- laws and rules affecting real estate practice;
- broker supervision;
- establishing a real estate office;
- professional development;
- business, financial, and brokerage management;
- Oklahoma broker relationships;
- anti-trust and deceptive trade;
- risk management and insurance;
- mandated disclosures, hazards, and zoning;
- real estate financing;
- specialized property operations and specialty areas;
- trust accounts and trust funds;
- closing a real estate transaction;

- closing statements;
- professional standards of conduct;
- property ownership;
- land use controls and regulations;
- valuation and market analysis;
- law of agency;
- contracts;
- transfer of property;
- practice of real estate; and
- real estate calculations.

To complete any in-class offering, a person must physically be present during all of the offering time and successfully complete all course requirements to include an examination. To complete a distance education course offering, a person must successfully complete all course requirements to include all modules and an examination.

A certified transcript from an institution of higher education, accredited by the Oklahoma State Regents for Higher Education or the corresponding agency of another jurisdiction, certifying to the successful completion of six academic-hours of advanced courses of real estate instruction for

which college credit was given, shall be prima facie evidence of successful completion of the advanced real estate instruction for a broker applicant.

The required education is valid for three years from the date the school certifies successful completion. Thereafter, the applicant must successfully complete an additional ninety clock hours or its equivalent in advanced real estate instruction.

Service in "lower" category

Prior to November 1, 2017, applicants for a broker's license must show two years of experience as a sales associate or provisional sales associate in the previous five years.

Effective November 1, 2017, applicants for a broker license who hold a sales associate license or are not currently licensed must :

- have had two years' licensure within the previous five years, or its equivalent; and
- provide documentation verifying ten real estate transactions within the past five years or the equivalent as determined by the Commission.

Effective November 1, 2017, applicants for a broker license who hold a broker associate license must:

- have had two years' licensure within the previous five years, or its equivalent; and
- provide documentation verifying ten real estate transactions within the past five years or the equivalent as determined by the Commission.

Waiver of qualifications for some professionals

No relevant provisions were located.

Annual fees and filings

Brokers' licenses are valid for three years. The original license and the renewal fee for an active broker license is \$210. The fee for a broker associate original or renewal license is \$180.

Applicant investigation

All applicants must submit to a national criminal history check. The history check will include fingerprints or, if it is not physically possible to obtain fingerprints, other identifiers. The fee for a history check may not exceed \$60.

An applicant indicating a bankruptcy or judgment, criminal and/or civil charges or convictions on his or her application must submit with the application official documents to the Real Estate Commission that pertain to the disposition of the matter. If official documents are unable to be obtained, a detailed letter explaining the matter must be attached to the application.

In determining whether or not an applicant meets the definition of good moral character, the Commission will consider, but not be limited to, the following:

- whether the probation period given in a conviction or deferred sentence has been completed and fully satisfied to include fines, court costs, etc.;
- whether the restitution ordered by a court in a criminal conviction or civil judgment has been fully satisfied;
- whether a bankruptcy that is real estate related has been discharged;
- whether an applicant has been denied licensure or a license has been suspended or revoked by any state or jurisdiction to practice or conduct any regulated profession, business or vocation because of any conduct or practices which would have warranted a like result under the Oklahoma real estate licensing laws; or

- whether an applicant has been guilty of conduct or practices in this state or elsewhere which would have been grounds for revocation or suspension under the current Oklahoma licensing laws had the applicant been licensed.

If, because of lapse of time and subsequent good conduct and reputation or other reason deemed sufficient, it appears to the Commission that the interest of the public will not likely be in danger by the granting of such license, the Commission may approve the applicant as relates to good moral character.

An applicant convicted of a felony is ineligible for licensure for the following periods:

- for crimes defined in Section 13.1 of Title 21 of the Oklahoma Statutes (including first and second degree murder, rape, arson, or burglary, certain sex crimes or crimes against children, and abuse of a vulnerable adult), the applicant will be ineligible to obtain for 20 years after the completion of any criminal sentence, including parole and probation; and
- for felonies that substantially relate to the occupation of a real estate agent and poses a reasonable threat to public safety, the applicant will be ineligible for 10 years of the completion of any criminal sentence, including parole and probation.

Examinations

When an application for examination has been submitted to the Real Estate Commission, the applicant shall be required to appear in person for a written examination. The broker examination fee is \$75.

In cases in which special accommodations are necessary under the Americans with Disabilities Act, applicants must notify the test provider in advance, no a form provided by the Commission.

The original examination application shall be valid for one year from date of filing. A request to write an examination submitted more than one year from the most recent original application filing must be accompanied by a new original application form.

A score of 75% or more shall be considered a passing grade on the broker examination.

A broker applicant who completes an entire broker examination and who is unsuccessful, may, if he or she retakes the examination within thirty days, elect not to complete the written closing statement portion again, but be given his or her first written closing statement and re-enter his or

her multiple choice closing statement answers.

Other prerequisites

The application submitted by an individual seeking a license must indicate that the applicant possesses a reputation for honesty, truthfulness, trustworthiness, and that he or she bears a good reputation for fair dealing.

The application form submitted to the Real Estate Commission shall contain, but not be limited to, the following:

- legal name to include first, middle and last name;
- routine biographical information;
- license history in Oklahoma and other states;
- criminal and/or civil charges or convictions, including bankruptcy and judgments;
- compliance with statutory requirements regarding time after any felony convictions;
- a recent photograph;
- birth date;
- a sworn statement as to accuracy of the application information;
- documentation required for compliance necessary to verify citizenship, qualified alien status, and eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; and

- social security number.

A person who has allowed his or her license to expire prior to renewal is considered an applicant, and will be required to submit to a criminal history check.

Corporate licensees

The Real Estate Commission may license as a real estate broker any association or corporation in which the managing member or managing officer holds a license as a broker, and in which every member, officer or employee who acts as a real estate broker or real estate sales associate holds a license for that purpose. The Commission may license as a real estate broker any partnership in which each partner holds a license as a real estate broker.

ASSOCIATE (OR OTHER) BROKER QUALIFICATIONS

Education

Effective November 1, 2017, applicants for a broker associate license must submit to the Commission evidence of successful completion of ninety clock hours, or its equivalent as determined by the Commission, of advanced real estate instruction in a course of study approved by the Commission.

The required education is valid for a period of three years from the date the school certified successful completion of the course. Thereafter, the applicant must successfully complete an additional ninety clock hours or its equivalent in advanced real estate instruction.

Service in "lower" category

Effective November 1, 2017, applicants for a broker associate license who hold a renewable broker associate or sales associate license must have had two years' licensure within the previous five years as a sales associate or provisional sales associate, or its equivalent.

For additional requirements applying to all applicants, see "BROKER QUALIFICATIONS" above.

SALESPERSON OR AGENT QUALIFICATIONS

A sales associate's license is granted to a licensed provisional sales associate upon proof of the completion of the required forty-five hours of post-licensing education within one year of being licensed. See "PROVISIONAL SALES ASSOCIATE" below.

The fee for an original sales associate license is \$150. A sales associate license is valid for three years, and the renewal fee is \$150.

SPECIALIST QUALIFICATIONS

Provisional Sales Associate

Education

To qualify an applicant for examination and licensure as a provisional sales associate, the applicant shall complete an approved pre-license course. The course shall consist of at least ninety clock hours of instruction or its equivalent as determined by the Real Estate Commission. The prelicense course of study is referred to as the "Basic Course of Real Estate, Part I of II" and encompasses the following areas of study:

- real estate economics and marketing;

- nature of real estate;

- rights and interest in real estate;

- legal descriptions;

- title search, encumbrances, and land use control;

- transfer of rights;

- service contracts;
- estimating transaction expenses;
- value and appraisal;
- marketing activities;
- fair housing;
- contract law overview;
- contract law and performance;
- offers and purchase contracts;
- financing real estate;
- closing a transaction;
- regulations affecting real estate;
- disclosures and environmental issues;
- property management and leasing;

- risk management;
- professional standards of conduct; and
- law of agency.

A certified transcript from an institution of higher education, accredited by the Oklahoma State Regents for Higher Education or the corresponding accrediting agency of another state, certifying to the successful completion of a six-academic-hour basic course of real estate instruction for which college credit was given, is prima facie evidence of successful completion of the clock hours of basic real estate instruction.

The required education is valid for three years from the date the school certifies successful completion. Thereafter, the applicant must successfully complete an additional ninety clock hours or its equivalent in basic real estate instruction.

First-year educational requirements

A provisional sales associate is required to successfully complete, prior to the first license expiration date, forty-five clock hours of post-licensing education or its equivalent as determined by the Real Estate Commission. Such course of study shall be referred to as the "Provisional Postlicense Course of Real Estate, Part II of II" and shall encompass the following areas of study:

- real estate marketplace;
- marketing real estate;
- personal marketing;
- the qualifying process;

- prospecting and negotiating;
- financing real estate, investments and exchanges;
- financial documents;
- duty to account;
- title search;
- risk management;
- at least three clock hours of broker relationships with parties to a transaction;
- property management;
- at least three clock hours of laws and regulations affecting real estate practice, including code and rules;
- disciplinary action;
- at least three clock hours of contracts and forms;
- at least three clock hours of professional conduct and ethics; and

- at least three clock hours of fair housing.

The Commission has prepared a syllabus with prescribed content for the post-license education course encompassing the areas as listed above. Those who are specializing in a specific real estate area may request approval of an offering if it can be proven to meet the purpose, goals and objectives of post-licensing education.

The Commission may approve and/or accept any offering or combination of offerings which consists of forty-five clock hours or more or its equivalent as determined by the Commission provided by an entity which meets the purposes, goals and objectives of the provisional sales associate post-license education requirement.

A certified transcript from an institution of higher education, accredited by the Oklahoma State Regents for Higher Education or the corresponding accrediting agency of another state, certifying to the successful completion of a three-academic-hour course of real estate instruction consisting of the provisional sales associate post-licensing educational requirements for which college credit was given, is prima facie evidence of successful completion of the post-license requirement. The course of instruction must be six academic hours.

A provisional sales associate who has received orders for active military service may request an extension of time to complete the post-license education requirement if the request is received in writing prior to the expiration of the license. The request must be accompanied by a copy of the orders for active military service. The extension of time shall be one year from the date of return from active military service.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

No relevant provisions were located.

Annual fees and filings

Provisional sales associates' licenses are non-renewable. Upon proof of completion of the first-year education requirements, a sales associate's license is issued.

Applicant investigation

All applicants must submit to a national criminal history check. The history check will include

fingerprints or, if it is not physically possible to obtain fingerprints, other identifiers. The fee for a history check may not exceed \$60.

An applicant indicating a bankruptcy or judgment, criminal and/or civil charges or convictions on his or her application must submit with the application official documents to the Real Estate Commission that pertain to the disposition of the matter. If official documents are unable to be obtained, a detailed letter explaining the matter must be attached to the application.

In determining whether or not an applicant meets the definition of good moral character, the Commission will consider, but not be limited to, the following:

- whether the probation period given in a conviction or deferred sentence has been completed and fully satisfied to include fines, court costs, etc.;
- whether the restitution ordered by a court in a criminal conviction or civil judgment has been fully satisfied;
- whether a bankruptcy that is real estate related has been discharged;
- whether an applicant has been denied licensure or a license has been suspended or revoked by any state or jurisdiction to practice or conduct any regulated profession, business or vocation because of any conduct or practices which would have warranted a like result under the Oklahoma real estate licensing laws; or
- whether an applicant has been guilty of conduct or practices in this state or elsewhere which would have been grounds for revocation or suspension under the current Oklahoma licensing laws had the applicant been licensed.

If, because of lapse of time and subsequent good conduct and reputation or other reason deemed sufficient, it appears to the Commission that the interest of the public will not likely be in danger by the granting of such license, the Commission may approve the applicant as relates to good moral character.

An applicant convicted of a felony is ineligible for licensure for the following periods:

- for crimes defined in Section 13.1 of Title 21 of the Oklahoma Statutes (including first and second degree murder, rape, arson, or burglary, certain sex crimes or crimes against children, and abuse of a vulnerable adult), the applicant will be ineligible to obtain for 20 years after the completion of any criminal sentence, including parole and probation; and
- for felonies that substantially relates to the occupation of a real estate agent and poses a reasonable threat to public safety, the applicant will be ineligible for 10 years of the completion of any criminal sentence, including parole and probation.

Examinations

When an application for examination has been submitted to the Real Estate Commission, the applicant shall be required to appear in person for a written examination. The examination fee is \$60.

In cases in which special accommodations are necessary under the Americans with Disabilities Act, applicants must notify the test provider in advance, no a form provided by the Commission.

The original examination application shall be valid for one year from date of filing. A request to write an examination submitted more than one year from the most recent original application filing must be accompanied by a new original application form.

A score of 70% or more shall be considered a passing grade on the provisional sales associate examination.

Other prerequisites

The application submitted by an individual seeking a license must indicate that the applicant possesses a reputation for honesty, truthfulness, trustworthiness, and that he or she bears a good reputation for fair dealing.

The application form submitted to the Real Estate Commission shall contain, but not be limited to, the following:

- legal name to include first, middle and last name;
- routine biographical information;

- license history in Oklahoma and other states;
- criminal and/or civil charges or convictions, including bankruptcy and judgments;
- compliance with statutory requirements regarding time after any felony convictions;
- a recent photograph;
- birth date;
- a sworn statement as to accuracy of the application information;
- documentation required for compliance necessary to verify citizenship, qualified alien status, and eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; and
- Social Security number.

A person who has allowed his or her license to expire prior to renewal is considered an applicant, and will be required to submit to a criminal history check.

Sections 858-301.1, -302, -303, -303A amended 2019, effective Nov. 1, 2019; §§ 858-304 amended 2013; § 858-305 amended 2017; regulations 605:10-3-1, -2, -4, -4.1, -6 amended 2018; 10-7-2 amended 2019; r. 605:10-3-7 amended 2015; other rules amended 2012.

[Okla. Stat. tit. 59 §§ 858-301.1, -302, -303, -303A, -304, -305 \(2019\)](#); [Okla. Admin. Code §§ 605:10-3-1; -3-2; -3-4; -3-4.1, -3-5; -3-7; -7-1.1; -7-2 \(2019\)](#); see [2019 Rule Amendments \(effective Nov. 1, 2019\)](#)

Oregon

Oregon, Continuing Education Approval

PROVIDER

General requirements

An applicant for certification as a continuing education provider must be one of the following:

- a main or branch office, with a business name registered with the [Oregon Real Estate Agency](#), of a licensed real estate property manager or principal real estate broker;
- a licensed title or escrow company conducting business in Oregon;
- a real estate trade association or a trade association in a related field, but not the individual members of those associations;
- a real estate multiple listing service;
- an attorney who is an active member of the Oregon State Bar;
- a law firm, in which at least one of the attorneys associated with the law firm is an active member of the Oregon State Bar;
- a private career school licensed by the Department of Education and approved by the Agency to provide the required basic real estate broker's or property manager's educational courses;
- an accredited community college, an accredited state institution of higher education or a private and independent institution of higher education;
- a distance learning provider as provided by Agency rules; or

- a person who does not meet the requirements set out above but whose qualifications have been approved by the Real Estate Board.

Approved courses must be at least one-hour long. Courses may be longer than one hour, in half-hour increments. Breaks may be no longer than ten minutes per hour.

Approval applications

An applicant for certification as a continuing education provider must submit an application containing the following:

- the applicant's name, mailing address, physical address, and phone number;
- the date of the application;
- the applicable qualification as listed above and, if the Real Estate Board approved the applicant's qualifications, the applicant must also submit the Agency's confirmation letter;
- the name and signature of the individual authorized by the applicant to submit the application;
- the applicant's authorized contact person, title, phone number, and e-mail address;
- the applicant's website address;
- information concerning the course presentation formats, such as classroom instruction, online, etc.; and
- an affirmation that the applicant:

- will comply with the statutory and administrative rule provisions applicable to continuing education providers, and
- understands that the continuing education provider certification does not authorize the provider to offer an Advanced Real Estate Practices course or the Brokerage Administration Sales and Supervision course. If the provider wishes to offer those courses, the provider may seek separate approval.

No application fee is required.

Certification may be renewed by submitting an application for renewal at least 60 days before the certification expires.

Distance learning course approval

Distance learning providers may be approved by the Real Estate Agency. Criteria for approval were not located.

Advertising

A provider who offers the Law and Rule Required Course, the Advanced Real Estate Practices Course, or the Brokerage and Sales Supervision Course must include the name of the course on all documents relating to the course.

Student records

A real estate licensee is required to retain records of his or her own continuing education attendance for three years after the renewal date "for which the continuing education credit applies."

A continuing education provider is required to keep records of:

- each course that the provider offered;

- the length of time of each course;
- the name of the instructor who taught each course; and
- any other information required by the Agency pursuant to Rule 863-020-0055.

The continuing education provider must keep the records for at least three years. The records must be open at all times for inspection by the Real Estate Agency and must be produced within 15 business days after an Agency request.

Certificates of completion

Continuing education providers must give each licensee who completes a course a completed certificate of attendance that includes:

- the licensee's name and license number;
- the name of the course;
- the name of the certified course provider and provider number;
- the course identification number assigned by the course provider;
- the eligible course topic under the Real Estate Agency's regulations or whether the course is the three-hour law and rule required course, the advanced practices course, or the brokerage administration and sales supervision course;
- the date and location of the course;

- the length of time of each course; and
- the name of the instructor who taught the course.

Licensees must maintain certificates of course completion for three years after the renewal date for which the credit applies.

Other submissions

None.

CONTENT

A licensee's thirty hours of continuing education must include an approved three-hour course on recent changes in real estate rules and laws.

The Real Estate Agency does not pre-approve elective courses; however, providers and instructors must be approved. Providers of continuing education elective courses are required to develop courses that are within the scope of one or more of the course topics listed in Rule 863-020-0035(4) and (5) and must identify to licensees which topic(s) is covered by the course.

In addition to ensuring that each course is within a course topic identified by the rule, a provider must ensure that at the end of the course the licensee will be able to describe, and if appropriate identify, at least one of the following:

- laws, statutes or administrative rules relevant to the course topic;
- the licensee's responsibilities under the law relevant to the topic;
- consumer protections relevant to the topic;

- governmental agencies with primary responsibility for regulating the topic and the agencies' relation to consumers and licensees;

- the impact of relevant topic principles, practices or procedures relevant on at least one of the following:
 - licensees;

 - consumers;

 - parties to a real estate transaction or property management agreement;

 - the real estate marketplace;

 - real estate brokerage or property management practices;

 - the licensee's real estate business; or

 - a licensee's professional competence.

The Real Estate Agency does not review a continuing education provider's learning objectives.

A real estate licensee will not be given credit for repeating a continuing education course with the same content during a two-year renewal period.

MATERIALS

The course syllabus must be submitted as a part of the petition for approval of an Advanced Real Estate Practice or Brokerage Administration and Sales Supervision course.

No other relevant provisions were located.

INSTRUCTOR QUALIFICATIONS

A person must have one of the following qualifications to teach a real estate continuing education course:

- a bachelor's degree and two years of experience working in a field related to the topic of the course;
- six years of experience working in a field related to the topic of the course;
- a total of six years of any combination of college-level coursework and experience working in a field related to the topic of the course;
- a designation by a real estate educators association of competency as an instructor;
- a designation by a professional real estate organization, as determined by Agency rule and two years of college-level coursework; or
- certification or approval in good standing as a real estate instructor for the same or a similar course topic in any other state or jurisdiction.

A person may not teach a real estate continuing education course if he or she:

- has had a professional or occupational license suspended or revoked for disciplinary reasons; or

- has been determined by a state court or an administrative law judge to have violated any statute, rule, regulation or order pertaining to real estate activity in this or any other state in the preceding five years.

An instructor must submit a form to the provider attesting that the instructor meets one of the above qualifications and is not otherwise disqualified.

PRIOR APPROVAL REQUIREMENTS

Prior approval pursuant to Or. Admin. R. ch. 863, div. 22 is required only for the Advanced Real Estate Practices, the Property Manager Advanced Practices and the Brokerage Administration and Sales Supervision courses.

In order to obtain approval of the Advanced Real Estate Practices course, a certified provider must submit a petition to the Real Estate Board meeting "at which the applicant wishes the Board to make a decision." The petition must include the following:

- an Agency-approved form that includes affirmations that the petitioner is a certified continuing education provider and that the provider and the instructors will follow the relevant Oregon Administrative rules;
- signatures of all individuals authorized to sign certificates of attendance;
- a copy of the syllabus and the hours and percentages allocated for each course topic demonstrating that the course meets the requirements for a Board-approved Advanced Real Estate Practices course. Course providers must incorporate the Board-approved three-hour Law and Rule Required Course into the Advanced Real Estate Practices course;
- the final examination or examinations consisting of a minimum of 60 questions. The number of questions from each course topic must correspond to the number of hours and percentages of time required for each course topic;

- the answer key for the final examination, as a separate document;
- a copy of a completed and signed Continuing Education Instructor Qualifications for each instructor teaching the course demonstrating that the instructors meet the requisite qualifications;
- if the continuing education provider will be using a course purchased from a vendor who developed the course, the provider must submit the vendor's name and contact information, along with a letter from the vendor verifying the contract between the vendor and the provider; and
- if the petitioner wishes to provide the course in a distance education format, the petitioner must submit the following:
 - Student assignments and periodic quizzes that allow the petitioner to monitor the student's progress in the course, and
 - A description of the process the petitioner will use to ensure that the student enrolled in the course is the person taking the final examination and that the final examination is monitored.

A provider that offers the Law and Rule Required Course must inform the Real Estate Agency that it is offering the course using the Continuing Education Provider Certification Application or the Certified Continuing Education Provider Change of Information form.

Approval timing

A petition for approval of an Advanced Real Estate Practices course must be submitted at least 30 days before the scheduled Real Estate Board meeting "at which the applicant wishes the Board to make a decision."

Providers who offer the Law and Rule Required Course are told not to submit notification of the course until they are "ready" to provide the course.

Approval after class date

No relevant provisions were located.

EXAMINATION

Examination requirements

Final examinations are not required for general continuing education courses, but providers may choose to require licensees to pass a final examination in order to receive a certificate of attendance for the course.

Students must pass a final examination with a minimum score of 75 percent to earn credit for the Advanced Real Estate Practices, Brokerage Administration and Sales Supervision, and the Property Manager Advance Practices courses.

Proctors

No relevant provisions were located.

Sections 696.184, and 696.186 amended 2013; § 696.182 amended 2017; § 696.174 amended 2018; regulations adopted 2010; and amended 2013, 2014; rr. 863-020-0007, -0015, -0020 amended 2017; rr. 863-020-0010, -0020, -0030, -0035, -0040, -0055 amended 2018.

[Or. Rev. Stat. § 696.174](#) (as amended by [2018 Or. Laws ch. 92 \(H.B. 4048\)](#)), [.182, .184, .186 \(2017\)](#); [Or. Admin. R. 863-020-0007, -0010, -0015, -0020, -0030, -0035, -0040, -0045, -0055, -0060 \(2019\)](#); [Continuing Education Requirements](#) (last visited Nov. 11, 2019); [Real Estate Educators' Page](#) (last visited Nov. 11, 2019)

Oregon, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

The Real Estate Agency may waive any portion of the continuing education requirements for a licensee who submits satisfactory evidence that poor health or other circumstances beyond his or her control prevented the licensee from attending part or all of the required courses.

Required hours

To renew an active license, or reactivating a license for the first time since renewing the license to an inactive status, a real estate licensee must complete 30 hours of real estate continuing education courses that are eligible for credit during the two years preceding renewal.

See "Licensing Prerequisites" for educational requirements that apply to the first licensing period.

Minimum class length

The minimum class length is one clock hour. A continuing education provider or course instructor may allow a break of no more than 10 minutes for each hour of instruction.

Subjects

A licensee's 30 hours of continuing education must include a Board-approved three-hour Law and Rule Required Course on recent changes in real estate rule and law. The remaining 27 hours may be in elective courses.

Courses must be offered by an approved continuing education provider in order to be eligible for credit. Note that elective courses are not pre-approved by the Agency.

A real estate licensee will not be given credit for repeating a continuing education course with the same content during a two-year renewal period.

Attendance requirements

No specific requirements were located.

Online classes

No restrictions on the use of distance learning courses for continuing education were located.

Other requirements

Licensees must maintain records of their course attendance on a form approved by the Agency. The records must be produced if requested by the Agency.

ASSOCIATE (OR OTHER) BROKER REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SALESPERSON OR AGENT REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SPECIALTY LICENSE REQUIREMENTS

Real estate property manager

To renew a license, or reactivate a license for the first time since renewing the license to an inactive status, a real estate property manager must:

- complete a Board-approved three-hour Law and Rule Required Course from a certified provider; and
- complete a minimum of 27 additional hours of continuing education in the two-year period prior to license renewal.

The applicant must maintain his or her certificates of attendance and other records of continuing education for three years.

Courses must be completed from certified continuing education providers in required topics.

See "Licensing Prerequisites" for educational requirements that apply to the first licensing period.

Section 696.174 amended 2018; regulations adopted 2010; r. 863-020-0045 amended 2013; r. 863020-0010 amended 2018; r. 863-020-0015 amended 2017.

[Or. Rev. Stat. § 696.174](#) (as amended by [2018 Or. Laws ch. 92 \(H.B. 4048\)](#)); [Or. Admin. R. 863-020-0010, -0015, -0045 \(2019\)](#); [Continuing Education Requirements \(last visited Nov. 11, 2019\)](#); [Real Estate Educators' Page \(last visited Nov. 11, 2019\)](#)

Oregon, Licensing Categories

BROKER

A "real estate broker" is an individual who holds an active real estate broker license issued under Or. Rev. Stat. § 696.022, and who does any of the following activities, when engaged in for another and for compensation or with the intention or expectation of compensation, or upon the promise of receiving or collecting compensation:

- sells, exchanges, purchases, rents or leases real estate;
- offers to sell, exchange, purchase, rent or lease real estate;
- negotiates, offers, attempts or agrees to negotiate the sale, exchange, purchase, rental or leasing of real estate;
- lists, offers, attempts or agrees to list real estate for sale;
- offers, attempts or agrees to perform or provide a competitive market analysis or letter opinion, to represent a taxpayer or to give an opinion in any administrative or judicial proceeding regarding the value of real estate for taxation. Such activity performed by a state certified appraiser or state licensed appraiser is not professional real estate activity;

- auctions, offers, attempts or agrees to auction real estate;
- buys, sells, offers to buy or sell or otherwise deals in options on real estate;
- engages in management of rental real estate;
- purports to be engaged in the business of buying, selling, exchanging, renting or leasing real estate;
- assists or directs in the procuring of prospects calculated to result in the sale, exchange, leasing or rental of real estate;
- assists or directs in the negotiation or closing of any transaction calculated or intended to result in the sale, exchange, leasing or rental of real estate;
- advises, counsels, consults or analyzes in connection with real estate values, sales or dispositions, including dispositions through eminent domain procedures;
- advises, counsels, consults or analyzes in connection with the acquisition or sale of real estate by an entity if the purpose of the entity is investment in real estate; or
- performs real estate marketing activity.

ASSOCIATE [OR OTHER] BROKER

Principal real estate broker

A "principal real estate broker" is an individual who holds an active principal real estate broker license issued under Or. Rev. Stat. § 696.022.

SALESPERSON OR AGENT

No relevant provisions were located.

SPECIALIST CATEGORIES

Limited license

The Real Estate Agency may issue a limited license to an applicant for a license as a real estate broker, principal real estate broker or real estate property manager if the Commissioner determines that the issuance is in the public interest. The Agency may limit a limited license:

- by term;
- to acts subject to the supervision of a specific principal real estate broker;
- by conditions to be observed in the exercise and the privileges granted; or
- “[i]n other ways determined . . . as necessary or appropriate to protect the public.”

Real estate property manager

A "real estate property manager" is a real estate licensee who engages in the management of rental real estate and is a licensed real estate manager, a principal real estate broker or a real estate broker who is associated with and supervised by a principal real estate broker.

Statutory sections amended 2017; regulation amended 2017.

[Or. Rev. Stat. § 696.010, .125 \(2017\)](#); [Or. Admin. R. 863-014-0060 \(2019\)](#)

[Oregon, Licensing Exemptions](#)

The real estate licensing laws do not apply to:

- a nonlicensed individual who is a full-time employee of a single owner of real estate whose real estate activity involves the real estate of the employer and:
 - is incidental to the employee's normal, non-real estate activities; or
 - is the employee's principal activity, but the employer's principal activity or business is not the sale, exchange, lease option or acquisition of real estate;
- a nonlicensed individual who acts as attorney in fact under a duly executed power of attorney from the owner or purchaser authorizing the supervision of the closing of or supervision of the performance of a contract for the sale, lease or exchange of real estate if the power of attorney was executed prior to July 1, 2002, in compliance with the requirements of law at the time of execution or if:
 - the power of attorney is recorded in the office of the recording officer for the county in which the real estate is located;
 - the power of attorney specifically describes the real estate; and
 - the individual does not use the power of attorney as a device to engage in professional real estate activity without obtaining the necessary real estate license;
- a nonlicensed individual who acts as attorney in fact under a duly executed power of attorney in which the authorized agent is the spouse of the principal, or the child, grandchild, parent, grandparent, sibling, aunt, uncle, niece or nephew of the principal or of the spouse of the principal, authorizing real estate activity if the power of attorney is recorded in the office of the recording officer for the county in which the real is located;
- an attorney at law rendering services in the performance of duties as an attorney at law;

- a nonlicensed individual acting in his or her official capacity as a receiver, a conservator, a trustee in bankruptcy, a personal representative or a trustee, or a regular salaried employee of the trustee, acting under a trust agreement, deed of trust or will;
- a nonlicensed individual who acts under the order of a court;
- a nonlicensed individual who is a regular full-time employee of a single nonlicensed corporation, partnership, association or individual owner of real property acting for the corporation, partnership, association or individual in the rental or management of the real property, but not in the sale, exchange, lease option or purchase of the real property;
- a registered professional engineer or architect rendering services in performance of duties as a professional engineer or architect;
- a nonlicensed individual employed by a real estate broker or principal real estate broker and acting as a manager for real estate if the real estate activity of the nonlicensed individual is limited to negotiating rental or lease agreements, checking tenant and credit references, physically maintaining the real estate, conducting tenant relations, collecting the rent, supervising the premises' managers and discussing financial matters relating to management of the real estate with the owner;
- a nonlicensed individual selling or leasing cemetery lots, parcels or units while engaged in the disposition of human bodies, or an employee of such an individual;
- a nonlicensed individual who is a salaried employee of the State of Oregon, or any of its political subdivisions, engaged in professional real estate activity as a part of such employment;
- a nonlicensed individual who is engaged in analyzing or advising of permissible land use alternatives, environmental impact, building and use permit procedures, development alternatives or demographic market studies, or who performs development management, or the regular full-time employee of such an individual. This exclusion does not apply to

marketing, procuring prospects, leasing or the handling of transactional negotiations for transfer of an interest in real estate;

- an individual who is a hotelkeeper or innkeeper arranging the rental of transient lodging at a hotel or inn in the course of business as a hotelkeeper or innkeeper;
- a nonlicensed individual who is a travel agent arranging the rental of transient lodging at a hotel or inn in the course of business as a travel agent for compensation;
- a nonlicensed individual who is a common carrier arranging the rental of transient lodging at a hotel or inn in the course of business as a common carrier;
- a nonlicensed individual who is a hotel representative arranging the rental of transient lodging at a hotel or inn in the course of business as a hotel representative;
- a nonlicensed individual transferring or acquiring an interest in real estate owned or to be owned by that individual;
- a nonlicensed individual who is the general partner for a domestic or foreign limited partnership engaging in the sale of limited partnership interests and the acquisition, sale, exchange, lease, transfer or management of the real estate of the limited partnership;
- a nonlicensed membership camping contract broker or salesperson registered with the Real Estate Agency selling membership camping contracts;
- a nonlicensed individual who is a professional forester or farm manager engaging in property management activity on forest or farm land when the activity is incidental to the non-real estate duties involving overall management of forest or farm resources;

- a nonlicensed individual who is a registered investment adviser under the Investment Advisers Act of 1940 rendering real estate investment services for the office of the State Treasurer or the Oregon Investment Council;
- a nonlicensed individual referring a new tenant for compensation to a real estate licensee acting as the property manager for a residential building or facility while that individual resides in the building or facility or within six months after termination of his or her tenancy;
- a nonlicensed individual giving an opinion in an administrative or judicial proceeding regarding the value of real estate for taxation or representing a taxpayer;
- a nonlicensed individual acting as a paid fiduciary whose real estate activity is limited to negotiating or closing a transaction to obtain the services of a real estate licensee;
- a nonlicensed individual acting as a fiduciary under a court order, without regard to whether the court order specifically authorizes real estate activity;
- a nonlicensed individual who is a representative of a financial institution or trust company acting as attorney in fact under a duly executed power of attorney from the owner or purchaser authorizing real estate activity, if the power of attorney is recorded in the office of the county clerk for the county in which the real estate to be sold, leased or exchanged is located; or
- a nonlicensed individual who is the sole member or a managing member of a limited liability company, a partner in a partnership, or an officer or director of a corporation who is engaging in the acquisition, sale, exchange, lease, transfer or management of the real estate of the limited liability company, partnership, or corporation.

Section 696.030 amended 2019.

[Or. Rev. Stat. § 696.030](#) (as amended by [2019 Or. Laws ch. 49 \(H.B. 2275\)](#))

Oregon, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

Applicants for a broker's license must complete a 150-hour pre-licensing course of study that consists of the following modules:

- Oregon real estate practice (30 hours);
- real estate law (30 hours);
- real estate finance (30 hours);
- contracts (15 hours);
- agency (15 hours);
- property management (10 hours); and
- real estate brokerage (20 hours).

The [Real Estate Agency](#) maintains a list of approved pre-licensing course providers.

First-year educational requirements

A real estate broker first licensed after July 1, 2002 must complete an approved course entitled "Advanced Real Estate Practices" and the three-hour Law and Rule Required Course prior to the first active renewal of the real estate broker's license or prior to the first license reactivation following an inactive first renewal. The Advanced Real Estate Practices course requirement does not apply to principal brokers or sole practitioner real estate brokers.

A 27-hour advanced practices course must include 27 clock-hours allocated among topics in the number of hours as follows:

- business ethics (10 hours);
- review of recent administrative actions issued by the Agency (3 hours);
- property management (4.5 hours);
- business economics (3 hours);
- advanced agency relationship, including dual representation (3 hours); and
- misrepresentation and negligence (4.5 hours).

The "Advanced Real Estate Practices" course may be counted as a part of a licensee's continuing education requirements if the provider is an approved continuing education provider.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

No relevant provisions were located.

Annual fees and filings

Licenses are valid for twenty-four months, and expire on the last day of the licensee's birth month. The fee for renewal of a license is \$230.

Applicant investigation

Applicants must submit to a background check. The background check application must be in writing on a form prescribed by the Real Estate Commissioner with all information provided and verified by the applicant. The background check application shall include, but is not limited to, the following information:

- the name, residence address and telephone number of the applicant;
- the date and place of birth of the applicant;
- the Social Security Number of the applicant;
- whether the applicant has ever been convicted of or is under arrest, investigation or indictment for a felony or misdemeanor;
- whether the applicant has ever been refused any occupational or professional license in any other state or country, or whether any occupational or professional license held by the applicant has ever been revoked or suspended or the licensee fined or reprimanded; and
- any other information deemed necessary by the Commissioner to evaluate the applicant's trustworthiness and competency to engage in professional real estate activity in a manner that protects the public interest.

Applicants must also provide fingerprints to the Agency's fingerprint service provider and an additional fee sufficient to recover the costs of processing the applicant's fingerprint information and securing any criminal offender information pertaining to the applicant.

If the information developed by the Real Estate Agency on an applicant indicates that additional information should be obtained from the applicant, it will be the duty of the applicant, upon notice and request by the Agency, to provide the requested information in order to complete the application. Failure to comply may result in a determination that the application is incomplete which will result in termination of the application.

If an individual who has had a successfully completed background check process and review does not successfully complete the remaining portions of the entire licensing application process within twelve months from the date of the successfully completed background check process and review, the successfully completed background check process and review is no longer valid.

Examinations

Applicants for a broker's license are required to pass a real estate broker examination. An applicant may apply to take the examination before the Real Estate Agency has completed processing the applicant's fingerprint card and background check. If a license is not issued within one year of successfully passing both portions of the exam, the applicant must retake the exam.

The Broker Licensing Exam is divided into two multiple-choice sections: the Broker National exam and Broker Oregon exam. Both sections must be passed with the score of 75% or better. An applicant who fails either portion of the exam must retake only the failed section within one year of the date of the passed portion in order to qualify for licensure passed on that exam.

Other prerequisites

An applicant for a real estate broker's license must submit certification that he or she:

- has a high school diploma, GED certificate or the international equivalent, or other equivalent education acceptable to the Commissioner; and
- is at least 18 years old.

If an applicant is to be associated with a principal real estate broker, the application must include the name of the principal real estate broker or brokers who will conduct and supervise the applicant's professional real estate activity.

The fee for a licensing examination is \$75. The fee for the issuance of a broker's license is \$230.

Corporate licensees

The Real Estate Agency may issue licenses only to individuals.

ASSOCIATE (OR OTHER) BROKER QUALIFICATIONS

Principal Broker

Education

Principal real estate license applicants must complete a 40-hour Agency-approved Brokerage Administration and Sales Supervision course before the first active renewal of the broker license. The course covers legal requirements unique to principal brokers and reviews the material introduced in the 150-hour real estate broker applicant course of study.

To be eligible for credit, the 40-hour course must include 40 clock-hours, allocated among topics in the number of hours and percentages as follows:

- brokerage business, supervision and legal requirements (15 hours), which includes:
 - supervising and managing other licensees, employees and independent contractors;
 - introduction to brokerage business practices;
 - financial records of the brokerage business;
 - clients' trust accounts;
 - required records and maintenance, and property management;
- review of real estate principles and practices (25 hours), which includes;

- real estate law;
- Oregon real estate practice;
- real estate finance;
- contracts;
- agency law;
- property management; and
- real estate brokerage.

License applicants must complete a final examination, and receive a passing score of at least 75% on the exam.

An Agency-approved brokerage administration and sales supervision course is eligible for continuing education credit if the licensee completed the course on or after January 1, 2011 and the course provider was a certified continuing education course provider.

Post-license educational requirements

Effective July 1, 2019, to renew an active license for the first time or before the first license reactivation following an inactive first renewal, a principal real estate broker must provide course information in the online renewal or reactivation application which demonstrates completion of the 27-hour Principal Broker Advanced Practices Course described in Or. Admin. R. 863-022-0021 and the three-hour Law and Rule Required Course described in Or. Adm. R. 863-022-0055.

Service in "lower" category

Applicants for a principal broker's license must show at least three years of active experience as a licensed real estate broker or salesperson in Oregon or another state prior to the application.

Waiver of qualifications for some professionals

An applicant for a principal real estate broker's license who has graduated from a four-year college or university with a degree in real estate, in a curriculum approved by the Real Estate Commissioner, who has held an active license as a real estate broker for a period of at least one year may, upon petition to and approval by the Real Estate Board, be issued a principal real estate broker's license.

An applicant for a principal real estate broker's license who has a two-year community college associate degree in real estate in a curriculum approved by the Commissioner, who has held an active license as a real estate broker for a period of at least two years, and who has completed the course of study for principal real estate brokers, upon petition to and approval by the Real Estate Board, may be issued a principal real estate broker's license.

The experience requirement may also be waived in the Board's discretion if a principal broker applicant has real estate experience equivalent to three years of active experience as a real estate licensee.

Annual fees and filings

Licenses are valid for twenty-four months, and expire on the last day of the licensee's birth month. The fee for renewal of a license is \$230.

Applicant investigation

Applicants must submit to a background check. The background check application must be in writing on a form prescribed by the Real Estate Commissioner with all information provided and verified by the applicant. The background check application shall include, but is not limited to, the following information:

- the name, residence address and telephone number of the applicant;

- the date and place of birth of the applicant;
- the Social Security Number of the applicant;
- whether the applicant has ever been convicted of or is under arrest, investigation or indictment for a felony or misdemeanor;
- whether the applicant has ever been refused any occupational or professional license in any other state or country, or whether any occupational or professional license held by the applicant has ever been revoked or suspended or the licensee fined or reprimanded; and
- any other information considered necessary by the Commissioner to evaluate the applicant's trustworthiness and competency to engage in professional real estate activity in a manner that protects the public interest.

Applicants must also provide fingerprints to the Agency's fingerprint service provider and an additional fee sufficient to recover the costs of processing the applicant's fingerprint information and securing any criminal offender information pertaining to the applicant.

If the information developed by the Real Estate Agency on an applicant indicates that additional information should be obtained from the applicant, it will be the duty of the applicant, upon notice and request by the Agency, to provide the requested information in order to complete the application. Failure to comply may result in a determination that the application is incomplete which will result in termination of the application.

If an individual who has had a successfully completed background check process and review does not successfully complete the remaining portions of the entire licensing application process within twelve months from the date of the successfully completed background check process and review, the successfully completed background check process and review is no longer valid.

Examinations

An applicant for a principal broker's license must pass a principal broker's examination. The examination consists of multiple-choice questions covering the following topics:

- general real estate law (agency relationships, contracts, including listing agreements, earnest money agreements, and options, nature of real property, and forms of ownership);
- real estate finance (government lending laws, financing instruments such as mortgages, trust deeds and land sales contracts, government financing programs, conventional financing, foreclosure, exchanging, and appraisal of real property);
- special fields (local, state and federal government land rights, Federal Fair Housing law, property management);
- license laws (Oregon Revised Statutes chapter 696 and Oregon Administrative Rules chapter 863); and
- control laws (assessment and taxation of real property, Oregon Veterans' Farm and Home Loan Program, Residential Landlord and Tenant Law (ORS 90), Subdivisions and Partitions (ORS 92); Condominium Act (ORS 100), Oregon water rights, construction lien law (ORS 87), Oregon discrimination statute (ORS 659); Oregon Trust Deed Act (ORS 86), and deed forms) - 10 questions.

The minimum passing score is 75%. An applicant who does not receive a license within one year of passing the examination is no longer eligible and must reapply.

Other prerequisites

The fee for a licensing examination is \$75. The fee for the issuance of a principal broker's license is \$230. No fee may be charged for the initial issuance of a principal broker's license to a person licensed as a sole practitioner prior to January 1, 2010.

Other prerequisites

An applicant for a principal broker's license must submit certification that he or she:

- has a high school diploma, GED certificate or the international equivalent, or other equivalent education acceptable to the Commissioner; and
- is at least 18 years old.

SALESPERSON OR AGENT QUALIFICATIONS

No relevant provisions were located.

SPECIALIST QUALIFICATIONS

Limited license

The Real Estate Commissioner may issue a limited license to an applicant for a license as a real estate broker, principal broker or property manager if the Commissioner determines that the issuance is in the public interest. The Commissioner will be authorized to limit a limited license:

- by term;
- to acts subject to the supervision of a specific principal real estate broker;
- by conditions to be observed in the exercise and the privileges granted; or
- “[i]n other ways determined by the Commissioner as necessary or appropriate to protect the public.”

Real estate property manager

An applicant for a real estate manager's license submit at the time of application:

- certification that he or she has a high school diploma, GED certificate or the international equivalent, or other equivalent education acceptable to the Commissioner;
- certification that he or she is at least 18 years old;
- proof that he or she has successfully completed, with a minimum passing score of 75%, the 60-hour basic real estate property manager's educational course required by Agency rules; and
- proof that he or she has passed the real estate property manager's license examination required by Agency rules.

A property manager licensee renewing for the first time must have completed the 27-hour Property Manager Advanced Practice Course and the three-hour Law and Rule Required Course from a certified continuing education provider.

Section 696.125 amended 2017; § 696.020; amended 2013; §§ 696.270 amended 2011, § 696.022 amended 2017; § 696.174 amended 2018; regulations in chapter 863-014 amended 2017; r. 863-022-010 amended 2013; rr. 863-022-0020, -0025 amended 2018; r. 663-022-0021 promulgated 2018.

[Or. Rev. Stat. §§ 696.020, .022, .125, .174, .270 \(2017\); Or. Admin. R. §§ 863-014-0010, -0015, -0020, -0035, -0040; -022-0010, -0020, -0021, -0025 \(2019\)](#)

Pennsylvania

Pennsylvania, Continuing Education Approval

PROVIDER

General requirements

The [Pennsylvania State Real Estate Commission](#) ("Commission") must approve all continuing education courses, materials, locations and instructors.

The following providers may offer continuing education instruction:

- an accredited college, university or institute of higher learning;
- an approved real estate education provider in Pennsylvania; and
- a real estate education provider outside of Pennsylvania that has been approved by that jurisdiction's real estate licensing authority.

Effective January 1, 2013, courses completed through a provider located outside Pennsylvania that is not approved by the Pennsylvania Real Estate Commission will not be accepted. Only courses offered by approved providers will be accepted.

A provider must obtain the Commission's approval before operating in Pennsylvania. To obtain the Commission's approval, the provider must:

- be owned by persons who "possess good moral character," or, if the owner is a corporation, have officers and directors who have good moral character;
- have an acceptable name;
- have an operations director who meets the requirements set forth in r. 35.342;
- designate a person or entity to serve as "custodian of records" if the provider terminates operations;

- post a surety bond of \$10,000; and
- submit a completed real estate education provider approval application.

The Commission must also approve a provider's director before the provider begins operations in Pennsylvania. The director-applicant must have a combination of experience in teaching, supervision and educational administration that enables him or her to administer competently a program in areas that include, but are not limited to:

- evaluating instructor performance;
- evaluating curriculum and course content;
- analyzing course examinations; and
- managing records and facilities.

A provider must have a main location with administrative offices, records and an exclusive listed telephone number. The location must:

- be suitable for classroom space;
- generally not share office, instruction or common space with a real estate franchise, network or organization; and
- conform with applicable building, fire safety and sanitary requirements.

Approval applications

A provider approval applicant must submit the following with its completed real estate education provider application:

- a "resume of the applicant's experience in owning, administrating or teaching in a an accredited college . . . or as a real estate education provider";
- two reference letters "from responsible persons relating to the applicant's integrity and to the applicant's previous experience, if any," in administrating an educational program; and
- certified copies of court documents related to any conviction of, or plea of guilty or nolo contendere to, a felony or misdemeanor and any sentence.

The provider must also submit a completed real estate education provider director application, which must include:

- the applicant's credentials; and
- certified copies of court documents related to any conviction of, or plea of guilty or nolo contendere to, a felony or misdemeanor and any sentence.

The provider must also submit the following:

- a fictitious name registration, if the provider has a fictitious name;
- a copy of registration documentation approved by the Corporation Bureau, if the provider is a corporation, limited liability partnership, limited partnership or LLC;

- a copy of the required surety bond;
- a copy of the student enrollment agreement;
- a copy of the school transcript;
- a statement of its admission prerequisites;
- a statement of its policy regarding tuition and fee refunds;
- the required approval fees; and
- for each location, a sketch or photograph of the provider's sign.

Distance learning course approval

Courses delivered by distance education must have the delivery method approved by the Association of Real Estate License Law Officials or another certifying body with similar approval standards.

Advertising

A provider may not, among other things related to prelicensing education,

- use a name other than the Commission-approved name;
- hold itself out as being recommended or endorsed by the Commission or other agency of the Commonwealth, except that the provider may advertise that it has been approved by the Commission;

- hold itself out to be an educational institution that conforms to the standards and requirements for accredited colleges, unless the provider meets those standards and requirements;
- guarantee employment to a student or prospective student;
- promote a real estate licensee's, organization's, franchise's or network's business;
- recruit students for employment; with a licensee or real estate organization, franchise or network;
- solicit students for membership in a real estate organization, franchise or network;
- permit an instructor or guest lecturer to wear identification relating to the name of the licensee or a real estate organization, franchise or network;
- solicit enrollments by advertising in newspapers' employment columns; or
- engage in advertising that is "false, misleading, deceptive or degrading to the dignity of the real estate profession."

A provider may not allow others to use its locations to solicit or recruit students for employment or affiliation with a real estate licensee, organization, franchise or network. Students must be informed of this prohibition by the following written statement: "No recruiting for employment opportunities for any real estate brokerage firm is allowed in this class. Any recruiting should be promptly reported to the State Real Estate Commission by calling this number: 1-800-822-2113."

Student records

A provider must generally maintain scholastic records that contain the following:

- the provider's name and Commission-approval number;
- the course's location;
- the student's name;
- the course title;
- the date the student completed the course;
- the number of hours;
- the student's final grade, if the course requires an examination;
- the transcript's date; and
- in the case of prelicensing courses, the fact that the Commission will accept the course to fulfill the education requirement for either the broker's or salesperson's examination.

The provider must also:

- maintain attendance records;
- store its records at its main location;
- produce its records for the Commission's examination upon written request;

- make copies of a student's scholastic and attendance records available to the student upon his or her request; and
- retain continuing education records for four years.

Certificates of completion

Continuing education providers are required to issue course transcripts or certificates of instruction to students within 30 days after a course has ended in a format that cannot be altered.

Other submissions

An approved provider must renew its approval annually by submitting a completed renewal of approval application to the Commission with:

- a notarized compliance certificate;
- a copy of the required \$10,000 surety bond, showing coverage for the next renewal period; and
- the renewal fee.

Within 30 days after a continuing education course has ended, a provider must provide the Commission with a roster in a format approved by the Commission, listing each licensee who satisfactorily completed or taught the course.

CONTENT

The Commission may, for a given biennial license period and with adequate notice, require that all or part of the 14 hours be completed in required topics.

Acceptable courses include the following:

- real estate ethics, laws, financing, mathematics, valuation and evaluation;
- property management;
- land use and zoning;
- income taxation, as it applies to real property;
- tax assessments;
- consumer protection and disclosures;
- agency relationships;
- landlord-tenant law;
- environmental and antitrust real estate issues;
- current real estate litigation;
- real estate transaction legal instruments;
- real estate advertising laws;
- developments in building construction techniques, materials and mechanical systems;

- real estate investment analysis;
- real estate brokerage operations management;
- property development;
- real estate securities and syndication;
- real property exchanges;
- broker courses "encompassing supervisory duties and standards of conduct and practice";
- marketing promotion and advertising; and
- using technology to deliver real estate services.

Courses on mechanical office and business skills are not acceptable, including:

- typing and speed writing;
- preparing advertising copy;
- developing sales promotional devices;

- word processing;
- operating calculators and computers; and
- "office management and related internal operations procedures that do not have a bearing on the public interest."

However, the Commission will give credit for courses offered to brokers that are "intended to promote knowledge of the supervisory duties imposed upon brokers . . . having to do with document preparation and retention, recordkeeping, deposit and maintenance of escrow accounts, advertising and solicitation limitations and requirements, conflicts of interest, disclosures to prospective sellers and buyers and the general ethical responsibilities of licensees."

Instructor-led learning may not exceed 7 1/2 clock hours of instruction per day. A clock hour is a 60-minute period with 50 minutes of instruction and a 10-minute break. A student may not be required to attend class for more than 90 consecutive minutes without a break.

MATERIALS

A provider must provide copies of catalogs, bulletins, pamphlets and other prospectus materials to the Commission upon request. The materials must clearly state the following:

- admission requirements;
- curriculum, including a specification of courses that meet the continuing education requirements;
- tuition and other fees;
- the refund policy in case of cancellation; and
- completion requirements.

The materials must be "directed towards the general licensee population without regard to the licensees' affiliation with a particular educational institution or a particular real estate organization, franchise or network."

A provider must require each student to enter into a student enrollment agreement that:

- itemizes the tuition, fees, services and materials;
- includes the provider's refund policy; and
- contains the Bureau's toll-free telephone number and states that the student may call to obtain information about filing a complaint against the provider.

The course's substantive content, as "evidenced by the course outline, text and other instructional materials," must adequately reflect the course's stated purpose.

INSTRUCTOR QUALIFICATIONS

A provider must employ instructors who are qualified to teach the courses for which they have been hired to teach. An instructor must satisfy one of the following criteria:

- possess an undergraduate, graduate or postgraduate degree in the course's subject matter;
or
- have three years of "practical or teaching experience in a profession, trade or occupation directly related to" the course's subject matter.

A provider must maintain documentation substantiating the instructor's education and experience.

PRIOR APPROVAL REQUIREMENTS

Approval timing

A provider must obtain the Commission's approval before it begins operations in Pennsylvania. The Commission must also approve a provider's director before the provider begins operations in Pennsylvania.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

No provisions explicitly requiring continuing education course examinations were located.

Proctors

No relevant provisions were located.

Section 455.402 enacted 1980; § 455.404a amended 1998; § 455.201 amended 2018; regulations 35.352, 35.353, 35.355, 35.357, 35.358 and 35.360, 35.342, 35.343, 35.352 amended 2004; rr. 35.341, .354, .359, .384, and .385 amended 2012.

[63 Pa. Stat. Ann. §§ 455.201, .402, .404a \(West 2019\)](#) (Sections 201, 402, and 404a of the Real Estate Licensing Act); [49 Pa. Code §§ 35.341, .342, .343, .352, .353, .354, .355, .357, .358, .359, .360, .384, .385 \(2019\)](#)

Pennsylvania, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

The Commission may waive all or part of the continuing education requirement for a salesperson or broker who was unable to complete the requirement due to illness, emergency or hardship. The Commission may grant a hardship waiver to:

- a licensee who seeks to renew a current license that was initially issued within six months of the biennial license period is eligible for a full waiver of the continuing education requirement;
- a licensee who seeks to renew a current license that was reactivated from noncurrent status within six months of the biennial license period for which renewal is sought is eligible for a full waiver of the continuing education requirement; and
- a licensee who is a qualified continuing education instructor is eligible for the waiver of one hour of continuing education for each hour of non-duplicate classroom instruction in an approved continuing education topic.

The applicant must file a request to waive the continuing education requirement on or before March 31 of the renewal year, unless it "was impracticable to do so."

Required hours

A licensee must obtain 14 hours of mandatory continuing education during each two-year license period. A licensee who wishes to activate an inactive license must also document 14 hours of continuing education. An applicant must complete the continuing education requirement by the May 31 renewal deadline.

Minimum class length

A licensee must complete 14 hours of continuing education in "acceptable courses in a minimum of 2-hour increments."

Subjects

The Commission may, for a given biennial license period and with adequate notice, require that all or part of the 14 hours be completed in required topics. For the 2018-2020 renewal period, at least 1.5 hours of the required 14 hours of continuing education must be in the topic of Property Management as a real estate licensee and at least two hours must be in the topic of Advertising. which coursework must be completed between June 1, 2018 and May 31, 2020.

Acceptable courses include the following:

- real estate ethics, laws, financing, mathematics, valuation and evaluation;

- property management;
- land use and zoning;
- income taxation, as it applies to real property;
- tax assessments;
- consumer protection and disclosures;
- agency relationships;
- landlord-tenant law;
- environmental and antitrust real estate issues;
- current real estate litigation;
- real estate transaction legal instruments;
- real estate advertising laws;
- building construction development techniques, materials and mechanical systems;

- real estate investment analysis;
- real estate brokerage operations management;
- property development;
- real estate securities and syndication;
- real property exchanges;
- broker courses "encompassing supervisory duties and standards of conduct and practice";
- marketing promotion and advertising; and
- using technology in delivering real estate services.

Courses on mechanical office and business skills are not acceptable, including:

- typing and speed writing;
- preparing advertising copy;
- developing sales promotional devices;
- word processing;

- operating calculators and computers; and
- "office management and related internal operations procedures that do not have a bearing on the public interest."

However, the Commission will give credit for courses offered to brokers that are "intended to promote knowledge of the supervisory duties imposed upon brokers . . . having to do with document preparation and retention, recordkeeping, deposit and maintenance of escrow accounts, advertising and solicitation limitations and requirements, conflicts of interest, disclosures to prospective sellers and buyers and the general ethical responsibilities of licensees."

Instructor-led learning may not exceed 7 1/2 clock hours of instruction per day. A clock hour is a 60-minute period with 50 minutes of instruction and a 10-minute break. A student may not be required to attend class for more than 90 consecutive minutes without a break.

Attendance requirements

Unless the course is a distance education course, a student must be physically present during at least 90 percent of the classroom instruction to receive credit for a continuing education course.

Online classes

Courses delivered by distance education must have the delivery method approved by the Association of Real Estate License Law Officials or another certifying body with similar approval standards.

Other requirements

A Commission may renew a license only to persons who "bear a good reputation for honesty, trustworthiness, integrity and competence to transact" the relevant real estate business.

A person who remains inactive for a five-year period without renewing his or her license must pass the relevant examination.

Pursuant to the Commission's regulations, the fee for the biennial renewal of a broker's license is \$126. Each licensee renewing his or her license must also pay a fee of \$10 to be paid credited to the Real Estate Recovery Fund. If the balance of the fund is less than \$300,000, the Commission may assess an additional fee in an amount not to exceed \$10.

ASSOCIATE BROKER REQUIREMENTS

All real estate licensees must meet the same continuing education requirements (see "BROKER REQUIREMENTS" above), except that the biennial renewal fee for an associate broker's license is \$96.

SALESPERSON REQUIREMENTS

A licensee who holds a standard salesperson's license must complete a required course in their first biennial period in order to renew his or her license.

The required course is broken into three seven-hour modules: a general module, a commercial module, and a residential module. Licensees must take the general module as well as the one specialty module most applicable to their practice.

All other real estate salespersons must meet the continuing education requirements applicable to all other licensees (see "BROKER REQUIREMENTS" above), except that the biennial renewal fee for a salesperson's license is \$96.

SPECIALTY LICENSE REQUIREMENTS

The continuing education requirements do not apply to:

- cemetery brokers or salespersons;
- builder-owner salespersons;
- timeshare salespersons;
- campground membership salespersons; and
- rental listing referral agents who hold standard licenses.

Section 455.802 amended 1982; § 455.404a amended 1998; § 455.501 amended 2004; regulation 35.358 amended 2004; r. 35.382, 35.383 amended 2005; 35.384 amended 2012.

[63 Pa. Stat. Ann. §§ 455.404a, .501, .802 \(West 2019\)](#) (Sections 404.1, 501, 802 of the Real Estate Licensing Act); [49 Pa. Code §§ 35.358, .382, .383, .384 \(2019\)](#)

Pennsylvania, Licensing Categories

OVERVIEW

It is unlawful for a person to engage the business of a broker, salesperson, cemetery broker, cemetery salesperson, campground membership salesperson, time-share salesperson, builder-owner salesperson, rental listing referral agent or cemetery company in Pennsylvania without first being licensed or registered, unless he or she is exempt.

BROKER

A "broker" is a person who, for another and for consideration:

- "negotiates with or aids any person in locating or obtaining for purchase, lease or an acquisition" of any real estate interest;
- "negotiates the listing, sale, purchase, exchange, lease, time share and similarly designated interests, financing or option for any real estate";
- manages real estate;
- "represents himself to be a real estate consultant, counsellor, agent or finder";
- promotes the "sale, exchange, purchase or rental of real estate," except for a person whose main business is advertising, promotions or public relations;
- performs a comparative market analysis; or

- attempts to perform any of the above acts.

ASSOCIATE BROKER

An "associate broker" is a "broker employed by another broker."

SALESPERSON

A "salesperson" is a person employed by a licensed broker:

- to perform comparative market analyses;
- "to list for sale, sell or offer for sale, to buy or offer to buy or to negotiate the purchase or sale or exchange of real estate";
- to negotiate a real estate loan;
- to "lease or rent or offer to lease, rent or place for rent any real estate"; or
- to "collect or offer or attempt to collect rent."

SPECIALIST CATEGORIES

Campground membership salesperson

A "campground membership salesperson" is a person who "either as an employee or an independent contractor sells or offers to sell campground memberships." The person must sell campground memberships under a broker's active supervision. A licensed broker, salesperson or time-share salesperson is not required to be licensed as a campground membership salesperson as a condition for selling or offering to sell campground memberships.

Cemetery broker or salesperson

A "cemetery broker" is a person "engaging in or carrying on the business or acting in the capacity

of a broker . . . exclusively within the limited field or branch of business which applies to cemetery lots, plots and mausoleum spaces or openings." A "cemetery salesperson" is a person "employed by a broker or cemetery broker to perform" a cemetery broker's duties.

Rental listing referral agent

A "rental listing referral agent" is a person who owns or manages a business that "collects rental information for the purpose of referring prospective tenants to rental units or locations of such units." It does not include an employee or official of a public housing authority.

Time-share salesperson

A "time-share salesperson" is a person "who either as an employee or independent contractor sells or offers to sell time shares." He or she must sell time shares under a broker's active supervision. A licensed broker or salesperson is not required to be licensed as a time-share salesperson to sell or offer time shares.

Builder-owner salesperson

A "builder-owner salesperson" is a person who is a full-time employee of a builder-owner of single and multifamily dwellings located in Pennsylvania and as such must be "authorized and empowered to list for sale, sell or offer for sale, or to negotiate the sale or exchange of real estate, or to lease or rent, or offer to lease, rent or place for rent, any real estate owned by his builder-owner employer, or collect or offer, or attempt to collect, rent for the use of real estate owned by his builder-owner employer, for and on behalf of such builder-owner employer."

Section 455.301 amended 1990; § 455.201 amended 2018.

[63 Pa. Stat. Ann. §§ 455.201, .301 \(West 2019\)](#) (Sections 201 and 301 of the Real Estate Licensing Act)

Pennsylvania, Licensing Exemptions

Pennsylvania's real estate licensing laws do not apply to the following:

- a real estate owner with respect to property he or she owns or leases, except in the case of a partnership or corporation, the exclusion does not extend to more than five of its partners or officers or to other personnel or employees;
- an employee of a public utility acting in the ordinary course of utility-related business;

- an officer or employee of a partnership or corporation whose principal business is "the discovery, extraction, distribution or transmission of energy or mineral resources, provided that the purchase, sale or lease of real estate is a common and necessary transaction" in conducting the entity's principal business;
- an attorney-in-fact acting under a power of attorney from an owner or lessor;
- an attorney-at-law;
- a bankruptcy trustee, administrator, executor, trustee or guardian acting under a court order, will or trust instrument;
- an elected officer or director of a financial institution operating under federal or state laws, provided only the institution's real estate is involved;
- certain officers or employees of a cemetery company;
- a cemetery company and cemetery owned or controlled by a church, religious congregation or fraternal organization;
- a licensed auctioneer;
- a person employed by a real estate owner to manage or maintain multifamily residential property, provided certain other specified conditions are met; or
- an elected officer, director or employee of a financial institution, when performing appraisals or other real estate evaluations in connection with a loan transaction.

Section amended 1990.

[63 Pa. Stat. Ann. § 455.304 \(West 2019\)](#) (Section 304 of the Real Estate Licensing Act)

Pennsylvania, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

An individual who wants to take the broker's examination must:

- be a high school graduate or have passed a general education equivalency examination;
- have worked at least three years as a licensed salesperson, with adequate experience qualifications, or possess at least three years of "other experience, education, or both, that the Commission considers the equivalent of 3 years' experience as a licensed salesperson" (emphasis added); and
- have earned 16 credits, or 240 hours, of instruction in professional real estate education.

The 16 required credits must contain:

- two credits in a Commission-developed or Commission-approved real estate office management course;
- two credits in a Commission-developed or Commission-approved law course; and
- at least six credits in three or more of certain Commission-developed courses.

An applicant must have completed the education courses within 10 years before he or she passes the licensing examination.

Service in "lower" category

An individual who wants to take the broker's examination must, among other things, have worked at least three years as a licensed salesperson, with adequate experience qualifications, or possess at least three years of "other experience, education, or both, that the Commission considers the equivalent of 3 years' experience as a licensed salesperson."

Waiver of qualifications for some professionals

The [Real Estate Commission](#) will deem a candidate who has obtained one of the following degrees to have met the state's education requirement:

- a bachelor's degree with a real estate major from an accredited college, university or institute of higher learning;
- a bachelor's degree from an accredited college, university or institute of higher learning, with completed coursework that equals a real estate major; or
- a juris doctor degree from an accredited law school.

A person who holds a current real estate license issued by another state and whose principal place of business is outside of Pennsylvania may receive a reciprocal license. However, if that other state does not offer reciprocal licensure opportunities to Pennsylvania residents that are substantially comparable to those afforded to residents of that state by Pennsylvania, the Commission must require applicants from that state to meet the education, experience and examination requirements that are "substantially comparable" to those required by that state with respect Pennsylvania residents, except that those requirements may not exceed the requirements imposed on Pennsylvania residents.

A reciprocal licensee who is converting that license to a standard broker's license is required to pass only the state portion of the examination.

Annual fees and filings

A licensee must renew his or her license biennially. The Commission may renew a license only to persons who "bear a good reputation for honesty, trustworthiness, integrity and competence to transact" the relevant real estate business.

A person who remains inactive for a five-year period without renewing his or her license must pass the relevant examination.

Pursuant to the Commission's regulations, the fee for the biennial renewal of a broker's license is \$126. Each licensee renewing his or her license must also pay a fee of \$10 to be credited to the Real Estate Recovery Fund. If the balance of the fund is less than \$300,000, the Commission may assess an additional fee in an amount not to exceed \$10.

Applicant investigation

The Commission may grant licenses only to "persons who bear a good reputation for honesty, trustworthiness, integrity and competence to transact the business of broker, salesperson, cemetery broker, cemetery salesperson, campground membership salesperson, time-share salesperson, builder-owner salesperson or rental listing referral agent," in a manner that safeguards the public's interest.

A real estate license applicant must submit with his or her license application complete details of "a conviction of, or plea of guilty or nolo contendere to, a felony or misdemeanor and the sentence imposed." If the applicant is a corporation, partnership or association, this requirement applies to each member of the partnership or association and each officer of the corporation.

The applicant must also submit recommendations "attesting to the applicant's good reputation for honesty, trustworthiness, integrity and competence" from one currently licensed broker, two persons unrelated to the applicant who own property in the county in which the applicant resides or has a place of business, or two persons unrelated to the applicant who own property in the county in which the applicant previously resided, if the applicant changed his county of residence within one year before submitting the application.

Examinations

A broker's license applicant must pass the broker's license examination. The Commission must receive the applicant's license application within three years of the date on which he or she passed the examination.

Other prerequisites

Before taking the examination, an applicant must:

- be at least 21 years of age; and

- meet the state's education and experience requirements.

A broker's license application must:

- be made in writing on a Department-provided form;
- state the applicant's place of business; and
- be received by the Commission within three years of the date on which the applicant passed the examination.

Pursuant to the Pennsylvania regulations, the following fees may apply to an original broker's license application:

- for the review of a candidate's qualifications, a fee of \$40;
- for a broker's license application, a fee of \$75; and
- effective August 21, 2010, for an initial broker's license, a fee of \$94.50.

Prior to August 21, 2010, the initial registration fee varied according to whether the broker's license was issued in the first or second year of the biennial registration period.

The applicant must also pay an examination fee, and, if required, a reexamination fee.

A broker's license applicant generally must:

- comply with r. 35.221 (relating to the general requirements);
- have passed each part of the broker's licensing examination within three years before submitting the license application;
- comply with the office requirements set forth in r. 35.241 and r. 35.242;
- submit a completed application to the Commission; and
- submit the required recommendations.

Corporate and other entity licensees

If a broker's license applicant is a corporation, partnership or association, §§ 511 and 512 apply to the individual designated as broker of record. The employees of the corporation, partnership or association who actually engage in or intend to engage in the real estate business must meet the requirements of §§ 521 and 522.

A partnership, association or corporation that wants to obtain a broker's license must:

- ensure that each member or officer, as applicable, who intends to engage in the real estate business holds a current salesperson or broker license;
- designate a licensed broker to serve as broker of record;
- comply with r. 35.241 and r. 35.242; and
- submit a completed license application.

ASSOCIATE BROKER QUALIFICATIONS

No specifically relevant provisions were located (see "BROKER REQUIREMENTS" above), except that the associate broker's application fee is \$25 and the initial licensure fee is \$72.

SALESPERSON QUALIFICATIONS

Education

Effective August 28, 2018, an individual who wants to take the salesperson's examination must have successfully completed 75 hours in real estate instruction in areas of study prescribed by Commission rules, which must require instruction in the areas of fair housing and professional ethics.

An applicant must complete 60 hours of real estate instruction if the applicant has completed a portion of the hours before August 28, 2018. An applicant who has not completed any of the required hours of real estate instruction before that date must complete 75 hours of real estate instruction within five years of taking the salesperson license examination.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

The Commission will deem a candidate who has obtained one of the following degrees to have met the state's education requirement:

- a bachelor's degree with a real estate major from an accredited college, university or institute of higher learning;
- a bachelor's degree from an accredited college, university or institute of higher learning, with completed coursework that equals a real estate major; or
- a juris doctor degree from an accredited law school.

The applicant must have completed the courses within 10 years before he or she passes the licensing examination.

Annual fees and filings

A licensee must renew his or her license biennially. The Commission may renew a license only to persons who "bear a good reputation for honesty, trustworthiness, integrity and competence to transact" the relevant real estate business.

A person who remains inactive for a five-year period without renewing his or her license must pass the relevant examination.

Pursuant to the Commission's regulations, the fee for the biennial renewal of a salesperson's license is \$96. Each licensee renewing his or her license must also pay a fee of \$10 to be credited to the Real Estate Recovery Fund. If the balance of the fund is less than \$300,000, the Commission may assess an additional fee in an amount not to exceed \$10.

Applicant investigation

The Commission may grant licenses only to "persons who bear a good reputation for honesty, trustworthiness, integrity and competence to transact the business of broker, salesperson, cemetery broker, cemetery salesperson, campground membership salesperson, time-share salesperson, builder-owner salesperson or rental listing referral agent," in a manner that safeguards the public's interest.

A real estate license applicant must submit with his or her license application complete details of "a conviction of, or plea of guilty or nolo contendere to, a felony or misdemeanor and the sentence imposed." If the applicant is a corporation, partnership or association, this requirement applies to each member of the partnership or association and each officer of the corporation.

A salesperson's license applicant must submit a sworn statement from the broker with whom the applicant desires to be affiliated that attests "to the applicant's good reputation for honesty, trustworthiness, integrity and competence" and certifies that he or she will "actively supervise and train the applicant."

Examinations

Each applicant must pass a salesperson's license examination.

Other prerequisites

Before taking the examination, a salesperson's license applicant must:

- be at least 18 years of age; and

- have met the education requirements.

Any applicant licensed after August 28, 2018 must hold a high school diploma or produce proof satisfactory to the Commission of an education equivalent to high school preparation.

A salesperson's license application must be made in writing on a Department-provided form and contain the required information.

The applicant must submit a "sworn statement by the broker with whom he desires to be affiliated certifying that the broker will actively supervise and train the applicant."

The Commission must receive the application within three years of the date on which the applicant passed the examination.

Pursuant to the Pennsylvania regulations, the following fees may apply to an original salesperson's license application:

- for a salesperson's license application, a fee of \$25;
- effective August 21, 2010, for an initial salesperson's license, a fee of \$72.

Prior to August 21, 2010, the initial fee varied according to whether the salesperson's license was issued in the first or second year of the biennial licensing period.

The applicant must also pay an examination fee, and, if required, a reexamination fee.

A salesperson's license applicant generally must:

- comply with r. 35.221 (relating to general requirements);

- have passed each part of the salesperson's licensing examination within three years before submitting the license application;
- submit a completed license application; and
- submit a sworn statement from the broker with whom the applicant desires to be affiliated that attests "to the applicant's good reputation for honesty, trustworthiness, integrity and competence" and certifies that he or she will "actively supervise and train the applicant."

SPECIALIST QUALIFICATIONS

Cemetery broker's and salesperson's licenses

Education

An individual who wants to take "the salesperson's examination for the purpose of obtaining a standard cemetery broker's license" must:

- have worked at least three years as "a licensed salesperson or cemetery salesperson, with experience qualifications that the Commission considers adequate for practice as a cemetery broker, or possess at least 3 years of other experience, education, or both, that the Commission considers the equivalent of 3 years' experience as a licensed salesperson or cemetery salesperson"; and
- have successfully completed four credits, or 60 hours, of instruction in basic real estate courses.

Service in "lower" category

An individual who wants to take "the salesperson's examination for the purpose of obtaining a standard cemetery broker's license" must have worked at least three years as "a licensed salesperson or cemetery salesperson, with experience qualifications that the Commission considers adequate for practice as a cemetery broker, or possess at least 3 years of other experience, education, or both, that the Commission considers the equivalent of 3 years' experience as a licensed salesperson or cemetery salesperson."

The applicant must submit:

- a "detailed resume of real estate activities performed by the candidate while working as a salesperson or cemetery salesperson";
- a "sworn statement from the candidate's employing broker confirming that these activities were performed if the candidate is a licensed salesperson or cemetery salesperson"; and
- a complete description of relevant work experience and education.

Waiver of qualifications for some professionals

The Commission will waive some requirements for certain reciprocal licensees. See r. 35.224(b) for waiver provisions that apply to individuals who want to obtain a reciprocal cemetery broker's license.

The Commission will deem a candidate who has obtained one of the following degrees to have met the state's education requirement:

- a bachelor's degree with a real estate major from an accredited college, university or institute of higher learning;
- a bachelor's degree from an accredited college, university or institute of higher learning, with completed coursework that equals a real estate major; and
- a juris doctor degree from an accredited law school.

The applicant must have completed the courses within 10 years before passing the licensing examination.

A reciprocal licensee who is converting a reciprocal license to a standard cemetery broker's license is required to pass only the state portion of the examination.

Annual fees and filings

Pursuant to the Commission's regulations, the fee for the biennial renewal of a cemetery broker's license is \$126. The biennial renewal fee for a cemetery associate broker or cemetery salesperson's license is \$96.

Applicant investigation

The Commission may grant licenses only to "persons who bear a good reputation for honesty, trustworthiness, integrity and competence to transact the business of broker, salesperson, cemetery broker, cemetery salesperson, campground membership salesperson, time-share salesperson, builder-owner salesperson or rental listing referral agent," in a manner that safeguards the public's interest.

The applicant for a cemetery salesperson's must "submit a sworn affidavit by the broker or cemetery broker with whom he desires to be affiliated certifying that the broker will actively supervise and train the applicant and certifying the truth and accuracy" of the applicant's certification.

An applicant for a standard cemetery broker's license must also submit recommendations "attesting to the applicant's good reputation for honesty, trustworthiness, integrity and competence" from one currently licensed broker, from two persons unrelated to the applicant who own property in the county in which the applicant resides or has a place of business, or from two persons unrelated to the applicant who own property in the county in which the applicant previously resided, if the applicant changed his county of residence within one year before submitting the application.

Examinations

A cemetery broker's license applicant must pass the cemetery broker's license examination.

Other prerequisites

Before taking the cemetery broker's license examination, an applicant must:

- be at least 21 years of age; and
- meet the experience and educational requirements.

The Commission must receive a cemetery broker's license written application within three years of the date on which the applicant passed the examination.

An individual who wants to obtain a cemetery broker's license generally must:

- comply with r. 35.221 (relating to general requirements);
- have scored a passing grade on each part of the salesperson's licensing examination during the three years before submitting his or her application;
- comply with r. 35.241 and r. 35.242 (relating to general office requirements);
- submit a completed application with recommendations attesting to the applicant's "good reputation for honesty, trustworthiness, integrity and competence".

See r. 35.225(b) for provisions that apply to an individual who wants to obtain a reciprocal cemetery salesperson's license.

A cemetery salesperson's license applicant must be at least 18 years of age. His or her application must be made, in writing, and contain all required information. The license applicant must "submit a sworn affidavit by the broker or cemetery broker with whom he desires to be affiliated certifying that the broker will actively supervise and train the applicant and certifying the truth and accuracy" of the applicant's certification.

An individual who wants to obtain a standard cemetery salesperson's license must:

- comply with r. 35.221 (relating to general requirements);
- be at least 18 years of age;
- submit a completed license application; and

- submit a sworn affidavit from the broker or cemetery broker with whom the applicant will be affiliated.

See r. 35.225(b) for provisions that apply to an individual who wants to obtain a reciprocal cemetery salesperson's license.

Pursuant to the Pennsylvania regulations, the following fees may apply to an original cemetery license application:

- for review of qualifications for cemetery broker licensing examination, a fee of \$40;
- for a cemetery broker's license application, a fee of \$75;
- for a cemetery associate broker's license application, a fee of \$25;
- for a cemetery salesperson's license application, a fee of \$20;
- for an initial cemetery broker's license, a fee of \$94.50; and
- for an initial cemetery associate broker's or a cemetery salesperson's license, a fee of \$72.

The applicant must also pay an examination fee, and, if required, a reexamination fee.

Corporate and other entity licenses

A partnership, association or corporation that wants to obtain a cemetery broker's license must:

- ensure that each member or officer, as applicable, who "intends to engage in the real estate business possesses a standard license as a broker or cemetery broker";

- designate an individual who is licensed as a broker or cemetery broker to serve as broker of record;
- comply with r. 35.241 and r. 35.242 (relating to general office requirements); and
- submit a complete license application.

See r. 35.224(d) for provisions that apply to entities that want to obtain a reciprocal cemetery broker's license.

Builder-Owner Salesperson

Education

No specifically relevant provisions were located.

Service in "lower" category

No specifically relevant provisions were located.

Waiver of qualifications for some professionals

A "reciprocal licensee who is converting a reciprocal license to a standard builder-owner salesperson's license is only required to pass the state portion of the examination."

Annual fees and filings

A builder-owner must pay a biennial registration fee.

Applicant investigation

No specifically relevant provisions were located.

Examinations

A builder-owner salesperson's license applicant must pass the standard real estate salesperson's license examination.

Other prerequisites

Before taking the examination, a builder-owner salesperson's license applicant must:

- be 18 years of age; and
- "be employed by a builder-owner possessing those qualifications as contained in section 501."

A builder-owner salesperson license applicant must submit:

- a written application that is on the appropriate form and contains the required information; and
- a "sworn statement by the builder-owner by whom he is employed certifying to such employment."

The Commission must receive the application within three years of the date on which the applicant passed the examination.

An individual who wants to obtain a standard builder-owner salesperson's license generally must:

- comply with r. 35.221 (relating to general requirements);
- have passed each part of the salesperson's licensing examination within three years before submitting the license application;
- submit a completed license application;

- submit a sworn statement from a builder-owner attesting to "the applicant's good reputation for honesty, trustworthiness, integrity and competence" and certifying that he or she is "a builder-owner of single or multifamily dwellings" and employs the applicant.

See r. 35.226(b) for provisions that apply to an individual who wants to obtain a reciprocal license as a builder-owner salesperson.

Pursuant to the Pennsylvania regulations, the following fees apply:

- for an application for a builder-owner salesperson license, a fee of \$25; and
- for an initial license for a builder-owner salesperson, a fee of \$72.

Rental Referral Agent

Education

An individual who wants to take the salesperson's examination in order to obtain a standard rental listing referral agent's license must have successfully completed four credits, or 60 hours, of instruction in basic real estate courses.

Service in "lower" category

No specifically relevant provisions were located.

Waiver of qualifications for some professionals

The Commission will deem a candidate who has obtained one of the following degrees to have met the state's education requirement:

- a bachelor's degree with a real estate major from an accredited college, university or institute of higher learning;
- a bachelor's degree from an accredited college, university or institute of higher learning, with completed coursework that equals a real estate major; or

- a juris doctor degree from an accredited law school.

The applicant must have completed the courses within 10 years before passing the licensing examination.

A reciprocal licensee who is converting a reciprocal license to a standard rental listing referral agent's license is required to pass only the state portion of the examination.

Annual fees and filings

A rental listing referral agent must pay a biennial registration fee.

Applicant investigation

No specifically applicable provisions were located.

Examinations

The qualifications for licensure as a rental listing referral agent are the same as those set forth in §§ 521 and 522 (regarding salesperson licensing requirements and applications), except that the applicant need not be affiliated with a broker. Section 521 requires an examination.

Other prerequisites

The qualifications for licensure as a rental listing referral agent are the same as those set forth in §§ 521 and 522 (regarding salesperson licensing requirements and applications), except that the applicant need not be affiliated with a broker.

An individual who wants to obtain a rental listing referral agent's license generally must:

- comply with r. 35.221 (relating to general requirements);
- have passed each part of the salesperson's examination within three years before submitting the license application;
- comply with r. 35.241 (relating to general office requirements); and

- submit a completed license application.

See r. 35.227(b) for provisions that apply to an individual who wants to obtain a reciprocal rental listing referral agent's license.

An individual who wants to take the salesperson's examination in order to obtain a standard rental listing referral agent's license must:

- be at least 18 years of age;
- have successfully completed the education requirements; and
- submit a completed examination application with the examination fee.

Pursuant to the Pennsylvania regulations, the following fees apply:

- for a rental listing referral agent application, a fee of \$75;
- for an initial license for a rental listing referral agent, a fee of \$94.50.

Corporate or other entity license

A partnership, association or corporation that wants to obtain a rental listing referral agent's license must:

- designate an individual who holds a current license as a rental listing referral agent to serve as manager of record;
- comply with r. 35.241 (relating to general office requirements); and

- submit a completed license application.

Campground membership salesperson's license

Education

A campground membership salesperson's license applicant must have successfully completed 15 hours in the following areas:

- basic contract law;
- sales practices and procedures;
- sales ethics; and
- basic campground-membership theory.

The applicant must also have at least 30 days of onsite training at a campground membership facility.

Service in "lower" category

No specifically relevant provisions were located.

Waiver of qualifications for some professionals

No specifically relevant provisions were located.

Annual fees and filings

A campground membership salesperson's license must be renewed biennially. The biennial renewal fee is \$96.

Applicant investigation

No specifically relevant provisions were located. However, a campground membership salesperson's license applicant must submit a sworn "affidavit by a broker certifying that the broker will actively supervise and train the applicant and certifying the truth and accuracy of the certification of the applicant."

Examinations

No specifically relevant provisions were located.

Other prerequisites

A campground membership salesperson's license applicant must:

- be at least 18 years of age;
- apply in writing on the appropriate a form, which must contain the required information;
- submit the required sworn affidavit by his or her supervising broker;
- comply with r. 35.221 (relating to general requirements); and
- have successfully completed the education and on-site training requirements.

See r. 35.228(b) for provisions that apply to an individual who wants to obtain a reciprocal campground membership salesperson's license.

Time-share licenses

Education

A time-share license applicant must have successfully completed 30 hours of instruction in the following areas:

- basic contract law;
- sales practices and procedures;
- sales ethics; and
- basic resort time-sharing theory.

An applicant must also obtain at least 30 days of onsite training at a timeshare facility.

Service in "lower" category

No specifically relevant provisions were located.

Waiver of qualifications for some professionals

No specifically relevant provisions were located.

Annual fees and filings

A time-share license must be renewed biennially.

Applicant investigation

No specifically relevant provisions were located. However, a time-share salesperson's license applicant must submit a sworn statement by a "broker certifying that the broker will actively supervise and train the applicant and certifying the truth and accuracy" of the applicant's certification.

Examinations

No specifically relevant provisions were located.

Other prerequisites

An applicant for a time-share salesperson's license must:

- be at least 18 years of age;

- be made in writing on the appropriate form and contain the required information;
- submit the required sworn statement by the supervising broker;
- comply with r. 35.221 (relating to general requirements); and
- have successfully completed the educational and onsite-training requirements.

See r. 35.229(b) for provisions that apply to an individual who wants to obtain a reciprocal time-share salesperson's license.

Sections 455.403, 455.513, 455.551, 455.561 enacted 1980; § 455.802 amended 1982; § 455.511 amended 1984; § 455.521 amended 2018; §§ 455.512, 455.522, 455.531, 455.532, 455.541, 455.542, 455.552, 455.581, 455.582, 455.591 and 455.592 amended 1990; § 455.602 amended 2003; § 455.501 amended 2004; regulation 35.203 amended 2010; regulations 35.271, 35.372, 35.273, 35.275 amended 2012; remaining regulations amended 2005.

[63 Pa. Stat. Ann. §§ 455.403, .501, .511, .512, .513, .521, .522, .531, .532, .541, .542, .551, .552, .561, .581, .582, .591, .592, .602, .802 \(West 2019\)](#) (Sections 403, 501, 511, 512, 513, 521, 522, 531, 532, 541, 542, 551, 552, 561, 581, 591, 592, 602, and 802 of the Real Estate Licensing Act); [49 Pa. Code §§ 35.203, .221, .222, .223, .224, .225, .226, .227, .228, .229, .271, .272, .273, .274, .275 \(2019\)](#)

Puerto Rico

Puerto Rico, Continuing Education Approval

PROVIDER

General requirements

A licensee must take the professional education courses addressed by § 3038(a) and (b) at an accredited college, institute or university approved by the [Puerto Rico Board of Real Estate Brokers, Sellers and Businesses](#) ("Board"). The Board must also accept those educational courses or seminars sponsored by Board-approved professional real estate associations.

Approval applications

No specifically relevant provisions were located in Puerto Rico statutes, and Puerto Rico regulations are not readily available in English. However, the Board must consider for approval, at a public hearing, any application by a person, entity, association or institute to offer real estate courses. The Board must give at least 45 days' notice of the hearing to professional organizations related to the real estate industry, and must publish an invitation to the hearings in a newspaper of general circulation in Puerto Rico at least 45 days before the hearing date.

Distance learning course approval

The Board must provide, by regulation, the requirements to accept courses by "alternate educational methods" for license applicants who cannot attend courses in a classroom because of "physical limitations." Puerto Rico regulations are not readily available in English.

Advertising

No specifically relevant provisions were located in Puerto Rico statutes; Puerto Rico regulations are not readily available in English.

Student records

No specifically relevant provisions were located in Puerto Rico statutes; Puerto Rico regulations are not readily available in English.

Certificates of completion

No specifically relevant provisions were located in Puerto Rico statutes; Puerto Rico regulations are not readily available in English.

Other submissions

No specifically relevant provisions were located in Puerto Rico statutes; Puerto Rico regulations are not readily available in English.

CONTENT

No specifically relevant provisions were located in Puerto Rico statutes; Puerto Rico regulations are not readily available in English.

MATERIALS

No specifically relevant provisions were located in Puerto Rico statutes; Puerto Rico regulations are not readily available in English.

INSTRUCTOR QUALIFICATIONS

No specifically relevant provisions were located in Puerto Rico statutes; Puerto Rico regulations are not readily available in English.

PRIOR APPROVAL REQUIREMENTS

Approval timing

The Board accepts, "in lieu of the colleges or universities, those educational courses or seminars sponsored by professional real estate associations previously approved by the Board" (emphasis added).

Approval after class date

No provisions permitting approval after the class date were located in Puerto Rico statutes; Puerto Rico regulations are not readily available in English.

EXAMINATION

Examination requirements

No relevant provisions were located in Puerto Rico statutes; Puerto Rico regulations are not readily available in English.

Proctors

No relevant provisions were located in Puerto Rico statutes; Puerto Rico regulations are not readily available in English.

Section amended 1999.

P.R. Laws Ann. tit. 20, § 3038 (LexisNexis 2019); [Requirements to Apply for Accreditation and Licensure as a Real Estate School](#); [Requirements to Renew as a Provider for Continuing Education as a Real Estate School](#); [Requirements to Apply for General Instructor License](#); [Requirements to Apply for a Specialized Instructor License](#)

Puerto Rico, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

No specifically relevant provisions were located in Puerto Rico statutes. However, the Board must provide, by regulation, the requirements to accept courses by "alternate educational methods" for license applicants who cannot attend courses in a classroom because of "physical limitations." Puerto Rico regulations are not readily available in English.

Required hours

In order to renew a broker's license, the licensee must take continuing education courses for a minimum of six hours per year. The Board must be establish, by regulation, which continuing education activities must be accepted for renewal, but Puerto Rico regulations are not readily available in English.

Minimum class length

No relevant provisions were located in Puerto Rico statutes; Puerto Rico regulations are not readily available in English.

Subjects

No relevant provisions were located in Puerto Rico statutes; Puerto Rico regulations are not readily available in English.

Attendance requirements

No relevant provisions were located in Puerto Rico statutes; Puerto Rico regulations are not readily available in English.

Online classes

No specifically relevant provisions were located in Puerto Rico statutes, and Puerto Rico regulations are not readily available in English. However, the Board must provide, by regulation, the requirements to accept courses by "alternate educational methods" for license applicants who cannot attend courses in a classroom because of "physical limitations."

Other requirements

Real estate licenses expire four years after they are issued. A renewal applicant must file an application, along with the "accompanying or requested complementary documents," at least 30 days "from" the license's expiration date. In that case, the Board must automatically extend the license for the term the Board may take to consider the application. The renewal applicant must file his or her application on a Board-approved form, which application must include:

- a "certificate of good behavior" issued by the Puerto Rico Police or by the state or country in which the applicant has resided since he obtained the license;
- \$200 fee;
- if an applicant files a renewal application 90 days after its expiration, a sworn statement stating that the applicant has not participated in any transaction as a real estate licensee during that period; and
- evidence that the licensee has taken the required continuing education courses.

ASSOCIATE BROKER REQUIREMENTS

No relevant provisions were located.

SALESPERSON REQUIREMENTS

All real estate licensees must meet the same continuing education requirements, (see "BROKER REQUIREMENTS" above), except that a salesperson must take four hours of continuing education courses per year.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Sections amended 1999.

P.R. Laws Ann. tit. 20, §§ 3038, 3040 (LexisNexis 2019)

[Puerto Rico, Licensing Categories](#)

BROKER

A "real estate broker" is a licensed natural person who "acts as an intermediary, through the payment or the promise of payment of any compensation" to execute in Puerto Rico a "purchase-sale transaction, promise of sale, purchase or sales option, permutation, lease, auction, property management, or in the offering, promotion or negotiation of the terms of all sale, purchase-sale option, promise of sale, lease management, or permutation" of real estate, provided, that for the purpose of chapter 99A, "any type of transaction related to the purchase, sale, lease permutation,

action or management of real property by a broker in which he/she is the owner of said real property and acts in his/her own interest and not as the intermediary between two clients, must be deemed as practicing the profession of real estate broker."

ASSOCIATE BROKER

No relevant provisions were located.

SALESPERSON

A "real estate salesperson" is a licensed natural person who "is employed, or contracted as an independent contractor directly or indirectly, through the payment of compensation, by a real estate broker, to perform under his/her direction, control supervision and responsibility, any of the activities of a real estate broker."

SPECIALIST CATEGORIES

Locations outside of Puerto Rico registry

A person who is engaged in selling in Puerto Rico real property located outside of Puerto Rico must register as a broker or proprietor with the Department of Consumer Affairs.

Sections amended 2005.

P.R. Laws Ann. tit. 20, §§ 3025, 3047 (LexisNexis 2019)

Puerto Rico, Licensing Exemptions

Puerto Rico's real estate licensing laws do not apply to the following:

- a lawyer in his or her professional attorney-client relationships with his or her clients;
- a trustee appointed pursuant to Puerto Rico's laws with reference to his or her principal's assets;
- an executor, accountant, partitioner or judicial administrator, acting with regard to the estate's assets;

- a person acting "by designation of" federal or state courts or agencies; and
- a proprietor of real property who sells his or her own real property, provided he or she is not habitually engaged in the sale of real estate.

Section enacted 1994.

P.R. Laws Ann. tit. 20, § 3056 (LexisNexis 2019)

Puerto Rico, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

A broker's license applicant must:

- be a high school graduate or have an equivalent degree;
- "after July 1, 1995, . . . have approved a minimum of sixty (60) university credits in institutions accredited or recognized by the Council on Higher Education"; and
- meet the educational requirements for a real estate license set forth in § 3038.

Section 3038(a) requires an original broker's license applicant to have "approved a course or courses on the real estate business in Puerto Rico of at least ninety (90) classroom hours."

The applicant must "present attesting evidence to the satisfaction of the Board that he/she has satisfactorily completed all subjects that the Board" determines by regulation. Puerto Rico regulations are not readily available in English.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

Brokers who held a license as of April 26, 1994, are not required to meet the 60-hour educational requirement.

The [Puerto Rico Board of Real Estate Brokers, Sellers and Businesses](#) may establish a reciprocity relationship to grant licenses without examination to licensees from a United States jurisdiction or a foreign country that:

- has licensing requirements similar to those established by Puerto Rico statutes; and
- grants a similar concession to Puerto Rico licensees.

The Board must provide, by regulation, the requirements to accept courses by "alternate educational methods" for license applicants who cannot attend courses in a classroom because of "physical limitations." Puerto Rico regulations are not readily available in English.

The Board must "give credit to the applicants for the courses taken at a professional level."

Annual fees and filings

Real estate licenses expire four years after they are issued. A renewal applicant must file an application, along with the "accompanying or requested complementary documents," at least 30 days "from" the license's expiration date. In that case, the Board must automatically extend the license for the term the Board may take to consider the application. The renewal application must be filed on the Board-approved form and must include:

- a "certificate of good behavior" issued by the Puerto Rico Police or by the state or country in which the applicant has resided since he or she obtained the license;
- an Internal Revenue stamp in the amount of \$200 for a broker's license;

- if the renewal application is filed 90 days after its expiration, a sworn statement indicating that the applicant has not participated in any transaction as a real estate licensee during that period; and
- evidence that the licensee has taken the required continuing education courses.

Applicant investigation

A broker's license applicant must present a "certificate of good behavior" from the "the Puerto Rico Police; by a state of the United States of America and by the foreign country," showing that for the preceding five years, the applicant has not been convicted of a felony or misdemeanor that "implies moral turpitude."

Examinations

A broker's license applicant must pass the real estate broker's examination given by the Board.

The Board must "include all subject matter proper to the level of the real estate profession in the examinations applied for, and included in the curriculum of subjects previously certified by the Board." The Board must give the examination in English or Spanish, as the candidate requests, and the exam must "proportionally include all subjects listed in the approved curriculum."

A person who does not pass an examination may retake it the next time the Board gives it. The Board:

- may retain documents previously submitted by the applicant; and
- must retain the examinations of applicants who failed, so that the Board may review them, if requested.

Other prerequisites

A broker's license applicant must:

- file a "duly-sworn application" on a Board-provided form;
- present the required certificate of good behavior;
- be over 18 years of age;
- have met the educational requirements;
- have passed the real estate broker's examination;
- pay a fee of \$200; and
- present a "certification from the banking institution where the escrow or special deposit account" is located.

The Board will issue a broker's license after the applicant has passed the proper examination and posted a bond in behalf of the Commonwealth in the amount of \$10,000.

Company licensees

The Board will issue a "real estate company license" to a corporation or partnership if it meets the following requirements:

- for a partnership, all partners, except the silent partners or members, must be individually licensed as brokers or salespersons;
- for a corporation, all shareholders must hold a broker's license, and any directors and officials who perform as brokers or salespersons on behalf of the corporation must be licensed;

- the entity must post a bond on behalf of the Commonwealth in the amount of \$20,000; and
- the entity must be registered in the Commercial Registry, in the case of a partnership, and with the Department of State, in the case of a corporation.

ASSOCIATE BROKER QUALIFICATIONS

No relevant provisions were located.

SALESPERSON QUALIFICATIONS

Education

A salesperson's license applicant must:

- meet the requirements set forth for broker's license applicants, except those set forth in § 3033(e) (the 60-hour university education requirement), (f) (the broker's examination) and (i) (the banking institution certification); and
- have met the salesperson's license educational requirements set forth in § 3038, which require an applicant to have "approved a course or courses on the real estate business in Puerto Rico of at least sixty (60) classroom hours."

The applicant must present evidence that he or she has "satisfactorily completed all the subjects that the Board shall determine by regulations." Puerto Rico regulations are not readily available in English.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

The Board may establish a reciprocity relationship to grant licenses without examination to licensees from a United States jurisdiction or a foreign country that:

- has requirements similar to those established by Puerto Rico licensing statutes; and
- grants a similar concession to Puerto Rico licensees.

The Board must provide, by regulation, the requirements to accept courses by "alternate educational methods" for license applicants who cannot attend courses in a classroom because of "physical limitations." Puerto Rico regulations are not readily available in English.

The Board must "give credit to the applicants for the courses taken at a professional level."

Annual fees and filings

Real estate licenses expire four years after they are issued. A renewal applicant must file an application, along with the "accompanying or requested complementary documents," at least 30 days "from" the license's expiration date. In that case, the Board must automatically extend the license for the term the Board may take to consider the application. The renewal application must be filed on the Board-approved form and must include:

- a "certificate of good behavior" issued by the Puerto Rico Police or by the state or country in which the applicant has resided since he or she obtained the license;
- a fee of \$200;
- if the renewal application is filed 90 days after its expiration, a sworn statement stating that the applicant has not participated in any transaction as a real estate licensee during that period; and
- evidence that the licensee has taken the required continuing education courses.

Applicant investigation

No specifically applicable provisions were located.

Examinations

A salesperson's license applicant must pass the salesperson's examination given by the Board.

Other prerequisites

The Board will issue a salesperson's license after the applicant has passed the proper examination and posted a bond in behalf of the Commonwealth in the amount of \$10,000.

SPECIALIST QUALIFICATIONS

Locations outside Puerto Rico

General requirements

A person engaged in the sale of real property located outside of Puerto Rico must register as a broker or proprietor with the Department of Consumer Affairs.

Education

No specifically relevant provisions were located.

Service in "lower" category

No specifically relevant provisions were located.

Waiver of qualifications for some professionals

No specifically relevant provisions were located.

Annual fees and filings

A proprietor must submit to the Department of Consumer Affairs during the first week of each semester a report of all sales to Puerto Rico residents.

The report must be notarized and must include:

- the buyers' names and addresses and information regarding "each real property";
- the sale price, real property taxes, liens and any preferred mortgage credits;

- the "amount of advance payments, deposits, commissions" and other sale conditions and financing; and
- specified information regarding the broker who made the sale.

Applicant investigation

The registration form must include a "good conduct certificate from the Puerto Rico Police, the State of the United States of America, or the foreign country in which he/she resides." The good conduct certificate must be included:

- in the case of a partnership, for each partner; and
- in the case of a corporation, for each corporate shareholder, director and official.

Examinations

No relevant provisions were located.

Other prerequisites

The registration form must contain the following:

- the applicant's individual or corporate name, main office address and the address of any Puerto Rico branch;
- the name and address of "any person with shares or interest in the business, . . . specifying the extent, nature, and title of the shares of each";
- a listing of past business experiences; and

- a good conduct certificate.

The registrant must also file the following with the Department of Consumer Affairs:

- all information related to offerings for real property located outside of Puerto Rico;
- all related promotional material;
- all documents to be used in the real property sales transaction; and
- any other required information.

The proprietor must post a bond in the amount of \$100,000 on behalf of the Commonwealth.

Sections 3033, 3038 and 3040 amended 1999; §§ 3034, 3035, 3036, 3037, 3043, 3047, 3048, 3049, 3050 and 3051 enacted 1994; §§ 3036, 3047, 3050, and 3051 amended 2005.

P.R. Laws Ann. tit. 20, §§ 3033, 3034, 3035, 3036, 3037, 3038, 3040, 3043, 3047, 3048, 3049, 3050, 3051 (LexisNexis 2019); [Requirements to Apply for a Real Estate Broker License](#); [Requirements to Renew a License as A Real Estate Broker](#); [Requirements to Apply for a Real Estate Salesperson License](#); [Requirements to Renew a Real Estate Salesperson License](#) (all webpages last visited Nov. 14, 2019)

Rhode Island

Rhode Island, Continuing Education Approval

PROVIDER

General requirements

Continuing education credit will be given only for attendance at courses approved by the [Department of Business Regulation](#).

For each approved course, a school must maintain and make available to the Department:

- a detailed course outline with hours spent in each subject;
- texts and materials used in the course;
- tests or other materials used to evaluate student performance;
- a list of instructors for the course; and
- summaries of student course evaluations.

Approval applications

Application for course approval is made on a form approved by the Department.

All applications for education or course approval must be submitted on a compact disc. The only paper that may be submitted is the application and approval form.

Distance learning course approval

No relevant provisions were located.

Advertising

No relevant provisions were located.

Student records

Students are responsible for maintaining their own records of attendance. Instructors shall remind students to retain their certificates of completion.

Certificates of completion

Students must receive a certificate as proof of completion of each course.

Other submissions

Each course must be re-submitted for approval every three years.

If a previously approved course is to be taught by a new instructor, the new instructor's resume must be submitted to the Department for approval.

CONTENT

The Department publishes a list of approved courses. The courses shall be in, but are not limited to, the following areas:

- Law of Agency;

- Law of Contracts;

- Real Estate Law and Conveyance;

- Real Estate Marketing;

- Legal Description and Zoning;

- The Closing Statement and Trust Account;
- Elements of Appraising, Construction and Design;
- Financing of Real Estate;
- Real Estate Insurance;
- Taxes and Real Estate;
- Real Estate Mathematics;
- Fair Housing;
- Rhode Island License Law and Ethics;
- Wetlands and Coastal Real Estate;
- Condominiums and Time Sharing Laws; and
- Lead Hazard Mitigation.

Courses submitted in the area of Ethics must comply with NAR-established standards to qualify for approval.

Course materials and instructor resumes must accompany the application, along with a written Request for Instructor Approval.

MATERIALS

Course materials must be submitted along with the application for approval of a course.

INSTRUCTOR QUALIFICATIONS

Instructors' resumes must be submitted with the application for course approval.

Instructors must have one of the following to be considered "qualified":

- a current Rhode Island real estate license and at least five years of experience for at least 25 hours per week;
- a proficiency in a particular subject matter (e.g., lawyer, accountant, banker, engineer, etc.);
- an appointment on a real estate faculty of an accredited college or university; or
- a current teaching certificate combined with knowledge as it relates to the real estate industry.

An instructor is approved for a three-year period, along with the class he or she is teaching.

Current or prior real estate licenses may not have been suspended, revoked or been subject to disciplinary action.

PRIOR APPROVAL REQUIREMENTS

Approval timing

Courses must be approved prior to the course date.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

No examination requirements were located.

Proctors

No relevant provisions were located.

Section 5-20.5-6 amended 2011; section 5-20.5-19 amended 1985; regulation amended and renumbered 2017

[R.I. Gen. Stat. §§ 5-20.5-6; -19 \(2018\); 203-RICR-30-20-2 \(2019\)](#) (formerly R.I. Commercial Licensing Regulation 11, § 3; Rule 29)

Rhode Island, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

Licensees whose applications for licensure were approved within 180 days of the expiration date may renew their licenses without showing compliance with the continuing education requirements.

Individuals who were licensed before December 27, 1984, are exempt from continuing education requirements.

Rhode Island-licensed attorneys, who obtained a broker's license or salesperson's license without examination pursuant to R.I. Gen. Laws § 5-20.5-4(d) receive full credit for all mandatory continuing legal education ("MCLE") courses approved by the Rhode Island Supreme Court and may apply MCLE courses to the required twenty-four clock hours, but must obtain four clock hours of credits from the subject areas listed in § 2.30(D) of the rules. MCLE courses are eligible for this requirement provided they fall under the categories listed in § 2.30(D).

Required hours

As a condition of renewing a real estate license, licensees must show attendance at, and successful completion of, twenty-four clock hours of real estate oriented educational sessions or courses of instruction approved by the [Department of Business Regulation](#) during the preceding two-year period.

Minimum class length

Each course must be no less than one hour. A "clock hour" is defined as fifty minutes of classroom instruction.

Subjects

At least six clock hours must come from the following core courses:

- RI law defining the relationships between licensees and consumers;
- RI landlord-tenant law;
- law of contracts;
- federal, state, and local fair housing laws and laws related to the treatment of any individual in a protected class;
- lead-hazard mitigation or other environmental issues;
- local ordinances and regulations pertaining to residential real estate;

- financing the purchase of real estate;
- coastal real estate, floodplains, wetlands and sea-rise;
- RI real estate licensing law; or
- ethical considerations in real estate transactions.

Attendance requirements

No specific requirements were located.

Online classes

No relevant provisions were located.

Other requirements

The licensee has the responsibility for affirming and certifying, under penalty of perjury, compliance with the continuing education requirements.

ASSOCIATE (OR OTHER) BROKER REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SALESPERSON OR AGENT REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

The renewal fee for a salesperson license is \$130 for 2016.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section 5-20.5-6 amended 2011; regulation amended and renumbered 2017.

[R.I. Gen. Stat. § 5-20.5-6 \(2018\)](#); [203-RICR-30-20-2 \(2019\)](#) (formerly R.I. Commercial Licensing Regulation 11, § 3; Rules 29, 30)

Rhode Island, Licensing Categories

BROKER

A "real estate broker" is any person, partnership, association, or corporation who:

- for a fee, commission, or other valuable consideration, or who with the intention or expectation of receiving or collecting a fee, commission, or other valuable consideration, lists, sells, purchases, exchanges, rents, leases, prepares an opinion of value, or auctions any real estate, or the improvements on real estate including options or who negotiates or attempts to negotiate any such activity;
- advertises or holds himself or herself out as engaged in those activities;
- directs or assists in the procuring of a purchaser or prospect calculated or intended to result in a real estate transaction; or
- is employed by or on behalf of the owner or owners of lots, or other parcels of real estate, at a stated salary, or upon a fee, commission or otherwise, to sell that real estate, or any parts, in lots or other parcels, and who sells, exchanges or leases, or offers or attempts or agrees to negotiate the sale, exchange or lease of any such lot or parcel.

ASSOCIATE [OR OTHER] BROKER

The term "associate broker" means any licensed real estate broker who is employed or engaged as an independent contractor by or on behalf of a licensed real estate broker to do or deal in any activity included in the definitions of a real estate broker, for compensation or otherwise.

SALESPERSON OR AGENT

A "real estate salesperson" is any person employed or engaged as an independent contractor by or on behalf of a licensed real estate broker to do or deal in any activity included in the definition of a real estate broker, for compensation or otherwise.

SPECIALIST CATEGORIES

No relevant provisions were located.

Section 5-20.5-1 amended 2017.

[R.I. Gen. Stat. § 5-20.5-1 \(2018\)](#)

[Rhode Island, Licensing Exemptions](#)

The term "real estate broker" or "real estate salesperson" does not include:

- the bona fide owner, lessee, or lessor of property, or the regular employee of an owner, lessee, or lessor, who performs any of the activities of a real estate broker as to property owned or leased by him or her, when those acts are performed as an incident to the management of, and investment in, the property;
- any person, partnership, association, or corporation, or any of their employees, who seeks to acquire, lease, rent, sell, or deal in real estate which has been or will be used or held for investment by that person, partnership, association, or corporation;
- any attorney at law licensed in Rhode Island;

- any person holding in good faith, an executed power of attorney from the owner, authorizing the final sale, purchase, lease, or exchange of real estate;
- any person while acting as a receiver, trustee, administrator, executor, guardian, or under court order, or while acting under authority of a deed of trust or will;
- any person, partnership, association, or corporation who appraises real or personal property for the purpose of conducting a mass appraisal, municipal revaluation for tax purposes or other forms of ad valorem appraisal; or
- public officers while performing their duties as public officers.

Section 5-20.5-2 amended 1981.

[**R.I. Gen. Stat. § 5-20.5-2 \(2018\)**](#)

Rhode Island, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

Applicants for a broker's license must have successfully completed at least 90 hours of classroom study in subjects related to real estate from an accredited college, university, or proprietary school licensed by the State of Rhode Island, or an equivalent course offered by the extension department of an accredited college or university. Applicants must also complete a three-hour course in lead poisoning/lead hazard mitigation. In addition, applicants must complete three hours of training on the new agency law, unless that subject is covered in the ninety hours of classroom study.

Classroom hours completed more than four years before the date of the application may not be used to meet the ninety-hour requirement. In addition, the 45 hours of prelicensing education for a salesperson's license does not apply towards the 90-hour requirement.

All prelicensing courses must be taken in a classroom and be taught in-person by the instructor. Online and distance education credits are not accepted for new license applicants.

Service in "lower" category

Applicants for a broker's license must have worked full-time as a real estate salesperson for at least two years immediately prior to the date of application.

Waiver of qualifications for some professionals

Applicants who have held a license from a jurisdiction with a reciprocity agreement with Rhode Island for at least two years are exempt from the uniform portion of the licensing exam.

Applicants from states with reciprocity agreements are not required to take the Rhode Island portion of the licensing exam, and are not required to be licensed for two years in order to qualify for reciprocity.

An attorney-at-law licensed in Rhode Island will be granted a broker's license upon application and payment of an application fee.

Annual fees and filings

The renewal fee for a broker's license is \$170. Licenses are valid for two years, and are renewed in even-numbered years.

Applicant investigation

Applicants must submit a Criminal History Record from the State of Rhode Island. The cost for obtaining a record is \$5.

An applicant who resides in a different state must submit a criminal history from his or her home state, as well as from Rhode Island.

Examinations

All applicants for a broker's license must pass a written examination. The Real Estate Administrator may grant permission for an oral examination.

The examination is designed to show the applicant's knowledge of the state statutes and the rules and regulations relating to real property, deeds, mortgages, leases, contracts, and agency.

There is a one-year time limit for reexamination with regard to failure of any section of the Broker or Salesperson examination. If an applicant fails to pass any particular section, he or she may retake that section within the one-year time limit. If the one-year time limit expires, he or she must retake the entire examination.

If a license has expired for more than one year, the former licensee must complete a new application and retake the examination in accordance with R.I. Gen. Laws § 5-20.5-11(b).

Other prerequisites

If a license is issued after May 1 of an odd-numbered year, a \$95 fee is due. If the license is issued after May 1 of an even-numbered year, the fee is \$180.

A separate additional fee of \$25, for the Real Estate Recovery Fund Account, must be paid before a license is issued.

Effective June 22, 2011, an application for a broker's license must be accompanied by the recommendation of at least three Rhode Island residents not related to the applicant who have known the applicant for three years, certifying that the applicant bears a good reputation for honesty and trustworthiness, and recommending that a license be granted to the applicant.

Applicants must submit proof of errors and omissions insurance, and a taxpayer status affidavit/identity verification. Non-residents must file an irrevocable power-of-attorney for service of process.

An applicant must be a citizen or legal resident of the United States and at least 18 years old.

Corporate licensees

The real estate broker's license issued to any corporation, partnership, or association must designate the name of the one principal active officer of the corporation, partnership, or association for whom that license is valid. Every other active broker or salesperson of that corporation, partnership, or association is obliged to obtain an individual license as a real estate broker or salesperson.

ASSOCIATE (OR OTHER) BROKER QUALIFICATIONS

No relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON OR AGENT QUALIFICATIONS

Education

Applicants for a salesperson license must complete 45 hours of a real estate course given by a school licensed by the Department of Business Regulation. Classroom hours completed more than two years from the date of the application will not be counted towards the 45 hour requirement.

Applicants must also complete a three-hour course in lead poisoning/lead hazard mitigation. In addition, applicants must show proof of completion of a three-hour "New Agency Law" course, unless that topic is included in the 45 hours of pre-licensing education.

All preclicensing courses must be taken in a classroom and be taught in-person by the instructor. Online and distance education credits are not accepted for new license applicants.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

Applicants who hold a license from a jurisdiction with a reciprocity agreement with Rhode Island are exempt from the uniform portion of the licensing exam.

Annual fees and filings

The renewal fee for a salesperson's license is \$130. Licenses are valid for two years, and are renewed in even-numbered years.

Applicant investigation

Applicants must submit a Criminal History Record from the State of Rhode Island.

An applicant who resides in a different state must submit a criminal history from his or her home state, as well as from Rhode Island.

Examinations

All applicants for a salesperson's license must pass a written examination. The Real Estate Administrator may grant permission for an oral examination.

The examination is designed to show the applicant's knowledge of the state statutes and the rules and regulations relating to real property, deeds, mortgages, leases, contracts, and agency.

The examination must be taken before the application is submitted.

Other prerequisites

For licenses issued after May 1 of an even-numbered year, a \$140 fee is due. For licenses issued after May 1 of an odd-numbered year, the fee is \$75. An additional fee of \$25, for the Real Estate Recovery Fund Account, must be paid before a license is issued. License applicants must submit separate checks for the application and license fees, and for the Real Estate Recovery Fund Account.

An application for a salesperson's license must be accompanied by the recommendation of at least three citizens not related to the applicant who have been property owners for at least three years, and who have known the applicant for three years, certifying that the applicant bears a good reputation for honesty and trustworthiness, and recommending that a license be granted to the applicant.

Applicants must be at least 18 years of age.

Applicants for a salesperson's license must file a statement under oath from the broker in whose employ the applicant desires to enter that in the broker's opinion, the applicant is competent and trustworthy and is recommended as a suitable person to be granted a salesperson's license.

Non-resident applicants must file an irrevocable power-of-attorney form for service of process, and must also file a certificate of licensure from their home jurisdiction.

SPECIALIST QUALIFICATIONS

No relevant provisions were located.

Section 5-20.5-3 amended 2011; § 5-20.5-4 amended 2017; regulation amended and renumbered 2017.

[R.I. Gen. Stat. §§ 5-20.5-3; -4 \(2018\); 203-RICR-30-20-2 \(2019\)](#) (formerly R.I. Commercial Licensing Regulation 11, Rules 3; 17; 32); [R.I. Dep't Bus. Reg., Real Estate Section, Requirements/Application for Real Estate Salesperson \(2018\)](#); [R.I. Dep't Bus. Reg., Real Estate Section, Requirements/Application for Real Estate Broker \(2018\)](#)

South Carolina

South Carolina, Continuing Education Approval

PROVIDER

General requirements

Providers seeking approval to offer and conduct real estate continuing education instruction must apply on a form approved by the [Real Estate Commission](#), with a \$200 provider approval fee, and must be approved by the Commission and issued a Certificate of Approval prior to the commencement of any instruction. Providers offering courses prior to approval shall not have their Certificates of Completion recognized by the Commission.

Courses taught as part of a degree program at an accredited college or university and courses taught by a federal or state agency shall be deemed approved by the Commission if the courses are equivalent in hours and subject matter to those specified by the Commission. These providers are exempt from regulation by the Commission, and original transcripts or other proof of course completion with a passing grade may be recognized and accepted as a prerequisite for examination or for meeting the requirements of continuing education.

Accredited colleges or universities or technical, community, or junior colleges teaching courses that are not part of a degree program shall be approved if they comply with the regulations of the Commission with regard to curriculum, instructors, hours of attendance, classroom facilities, texts, examinations, and Certificates of Completion, as well as the policies and procedures of the appropriate department of the institution.

The Commission must qualify for continuing education credit designation and certification programs of nationally recognized real estate organizations and associations. The Commission may qualify for continuing education credit other courses currently approved for continuing education credit including, but not limited to, courses offered by the South Carolina Bar Association, South Carolina Forestry Board, and the South Carolina Appraisers Board.

Courses offered by other providers shall be approved if they comply with the regulations of the Commission with regard to curriculum, instructors, hours of attendance, classroom facilities, texts, examinations, Certificates of Completion, and if the policies and procedures of the provider are also approved by the Commission.

All schools, organizations, associations, institutions, and other educational providers must be in good standing, and must be competent to administer and supervise the instruction of real estate subjects to the public.

Approval applications

Learning objectives and detailed lesson plans reflecting the course content with time allotments must be furnished by the provider to the Real Estate Commission at the time of application for approval, along with a \$100 course approval fee and copies of all quizzes and examinations for pre-licensing courses. Examinations and the criteria for passing such examinations and final grade determination may be developed by each provider based on its individual educational concepts. The Commission may, however, direct alterations in examination procedures, criteria for passing, and administration whenever deemed necessary.

Each provider must prominently display copies of the Certificates of Approval issued by the Commission in each classroom where an approved course is offered.

All provider, course, and instructor approvals expire biennially on August 31 of even-numbered years. Renewal forms will be mailed to all approved providers and instructors, and completed forms must be received in the Commission's office not later than August 15 to insure renewal by August 31. A late fee will be charged for renewals received after August 31.

Distance learning course approval

Distance education courses must be certified by the Association of Real Estate License Law Officials (ARELLO) or its subsidiary, the International Distance Education Certification Center (IDECC). Correspondence courses will not be approved.

Advertising

"Advertising" is defined as any form of public notice, including but not limited to, publications, promotional items, and all other efforts which could normally be expected to be seen or heard by

prospective students. Advertising also includes oral communications.

Each provider must maintain high standards in the conduct of its operations, solicitation of students, and in its advertising and promotional material. The use of any unfair or deceptive practice or the making or causing to be made of any false, misleading, or deceptive statement in any advertising or promotional material which has the tendency or capacity to mislead or deceive students, prospective students, or the public shall be cause for disciplinary action.

The name of the provider must be disclosed in every advertisement.

A provider may not advertise or imply that it is recommended or endorsed by the South Carolina Real Estate Commission. The provider must be able to substantiate from its own records any advertised statistics or claims. A provider must not use abbreviations or limited disclosure which could tend to obscure, conceal, mislead, omit, deceive, confuse, distract, or otherwise create misunderstanding.

A provider must not falsely represent, either directly or by implication, that students successfully completing a course of instruction may transfer credit to an accredited institution of higher education or that a course has been approved by a particular industry; or represent that its successful completion will insure passage of the state licensing examinations or obtaining a real estate license.

Student records

Providers must maintain records indicating number of student absences.

Certificates of completion

A Certificate of Completion prescribed by the Real Estate Commission shall be awarded to each course graduate, signed and dated by an authorized official of the provider, and must contain the course identification number assigned by the Commission, the provider's name and address; title, location, dates, and number of hours of the course; full legal name, social security number, and license number, if applicable, of the student.

Other submissions

Course providers must electronically submit to the Commission, reports verifying completion of a course for each licensee who satisfactorily completes the course. Providers must submit these reports within fourteen calendar days following the course. The verified Course Completion Report must include the course identification number assigned by the Commission; the provider's name; the instructor's name; title, location, and dates of course; full legal name, address, phone number, and license number of each student, along with the number of hours in attendance and final grade, if applicable. The report must be verified by an authorized official of the provider.

CONTENT

Continuing education courses must be on subjects that increase the knowledge, skill and/or competence of real estate licensees with regard to the performance of their duties in a manner that best serves the public interest. Courses must include instruction in advanced real estate principles and practices.

The Commission must qualify for continuing education credit courses related to real estate technology, professional development and business ethics.

MATERIALS

Providers must identify the texts to be used in any approved course. The Real Estate Commission may direct that the provider withdraw texts, and may require additional instructional materials.

INSTRUCTOR QUALIFICATIONS

Instructors must be approved by the Real Estate Commission. Instructors teaching courses which are part of a degree program offered by an accredited college or university and instructors teaching courses for a federal or state agency are deemed approved.

An applicant for approval as an instructor must submit an application form, along with \$100 fee and supporting documentation as proof of knowledge of the subject matter and the ability to teach effectively. As proof of knowledge of the subject matter to be taught, the instructor must provide documentation of:

- an active real estate salesman or broker license and at least three years of experience and one hundred twenty hours of real estate education for pre-licensing and post-licensing real estate courses;
- a college degree in an academic area directly related to the course or the specific subject matter to be taught; or
- other past experience or education acceptable to the Real Estate Commission in the subject area to be taught.

As proof of the ability to teach effectively, the applicant must provide documentation of:

- a current teaching certificate issued by any state department of education (or an equivalent agency);
- a four-year undergraduate degree in education;
- previous adult-education experience in schools, seminars, or in an equivalent setting for three years, within the past five years;
- serving as a trainee or assistant instructor under the direct supervision of a Commission-approved instructor for at least sixty hours; or
- past experience acceptable to the Real Estate Commission in the area of education.

For continuing education courses, the Real Estate Commission may also require documentation of:

- three years of work experience, within the past five years, directly related to the subject matter to be taught; or
- three years of experience within the past five years teaching the subject matter to be taught.

Instructors who hold the Certified Commercial Investment Member (CCIM) designation conferred by the CCIM Institute are approved for instruction in all commercial real estate courses upon application accompanied by the applicable fees.

PRIOR APPROVAL REQUIREMENTS

Approval timing

Applications for course and provider approval must be submitted to the Real Estate Commission no later than sixty days prior to the course. If the application is disapproved, the reasons for disapproval will be detailed and the provider will be given thirty days to cure any deficiencies. If the deficiencies are cured, the course will be approved.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

Course examinations are not required for continuing education courses.

Proctors

No relevant provisions were located.

Statute amended/re-enacted 2016; regulations amended 2017.

[S.C. Code § 40-57-340 \(2019\); S.C. Code Regs. §§ 105-4 to -11 \(2019\)](#)

South Carolina, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions (prior to January 1, 2017)

The following individuals are exempt from the biennial continuing education requirement:

- a broker who successfully completes a post-licensing course is exempt for the two-year period during which the course was taken;
- a broker on inactive status;
- a nonresident broker who has successfully satisfied the continuing education requirements of the jurisdiction of residence;

- a broker upon reaching the age of sixty-five years with a minimum of twenty-five years of licensure.

Exemptions (effective January 1, 2017)

The following individuals are exempt from the biennial continuing education requirement:

- a salesperson who successfully completes a post-licensing course or takes a broker course is exempt for the renewal period during which the course was taken;
- a licensee while on inactive status;
- with Commission approval, a nonresident broker or salesperson who has successfully satisfied the continuing education requirements in their state of residence;
- a broker or salesperson with at least 25 years of licensure who is granted an experience-based partial continuing education waiver, who must then complete only the mandatory four-hour core course biennially;
- a broker in charge who has been granted a partial continuing education waiver who must take only the four-hour core course and the mandated four-hour broker-in-charge course biennially; and
- a licensee who previously has been granted a full continuing education waiver, who is then totally exempt from continuing education requirements.

A licensee on active military duty, is exempt from continuing education while on active service.

Required hours

Before an active broker's license will be renewed, the broker must show proof of the satisfactory completion of eight hours (ten hours, for those renewing in 2018 and thereafter) of approved courses every two years. Those hours must include a minimum the four- hour mandatory core course.

Instructors of approved courses may receive credit for time spent teaching or developing approved courses, if credit is requested in writing.

A broker who completes more than the required hours of instruction in a two-year period may not carry those additional hours forward to another reporting period.

A broker who fails to complete the continuing education requirements by the date of license renewal may renew by submitting applicable fees, but will immediately be placed on inactive status and may not engage in the practice of real estate while on inactive status. The license may be reactivated upon proof of completion of required continuing education and payment of the applicable fees.

Minimum class length

Courses must be at least two hours in length, and providers must limit class meetings to a maximum of eight hours in any given day. Students must be allowed one ten-minute break each hour, and for classes that exceed four hours, students must be allowed at least one half-hour break. No meals may be served during class.

Subjects

Core courses are those which must include a minimum of four classroom hours of instruction on current federal and state real estate law. Elective courses are those which are offered in general subjects prescribed by the Real Estate Commission.

Attendance requirements

Providers must maintain records indicating number of student absences.

Providers may offer students failing to meet the minimum-hour requirement make-up sessions as follows:

- a make-up session offered by the provider consisting of the content in the session or hours missed;

- a video tape of the class session missed viewed by the student and supervised by the instructor, but only if less than twenty percent of the total classroom hours are missed; or
- attendance of the same class session offered by the provider at a future date.

Online classes

Distance education courses must be certified by the Association of Real Estate License Law Officials (ARELLO) or its subsidiary, the International Distance Education Certification Center (IDECC).

Other requirements

Correspondence courses will not be approved.

BROKER-IN-CHARGE REQUIREMENTS

A broker-in-charge renewing in 2018 and thereafter must complete ten hours of continuing education in Commission-approved courses, which must include the four-hour mandatory core course of instruction for a broker or salesperson licensee and a four-hour mandatory broker-in-charge responsibility course.

SALESMAN REQUIREMENTS

A real estate salesman's continuing education requirements are the same as for brokers (see "BROKER REQUIREMENTS" above).

A provisional licensee who upgrades his or her license to a salesperson's license is exempt from continuing education requirements at his or her first license renewal, if the licensee has completed thirty hours of post-licensing education.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Statute amended/re-enacted 2016; regulation amended 2017.

[S.C. Code § 40-57-340 \(2019\)](#); [S.C. Code Regs. § 105-6 \(2019\)](#)

South Carolina, Licensing Categories

BROKER

A "broker" is an associated licensee who meets the experience and education requirements and passed the examination for a broker license and who for a fee, salary, commission, referral fee or other valuable consideration or who with the intent or expectation of receiving compensation:

- negotiates or attempts to negotiate the listing, sale, purchase, exchange, lease, or other disposition of real estate or the improvements thereon;
- auctions or offers to auction real estate;
- solicits a referral for a fee or valuable consideration;
- offers services as a real estate consultant, counselor or transaction manager;
- offers to act as a subagent of a real estate brokerage firm representing a client in a real estate transactions; or
- advertises or otherwise holds himself out to the public as being engaged in any of the foregoing activities.

BROKER-IN-CHARGE

A "broker-in-charge" is a broker who is designated as having responsibility over the actions of all associated licensees and also has the responsibility and control over and liability for any real estate trust accounts.

SALESMAN

A "salesman" is an associated licensee who meets the experience and education requirements and passes an examination for a salesperson license and who, for compensation, or with the intent or expectation of receiving compensation, engages in or participates in an activity listed above as engaged in by a broker.

SPECIALIST CATEGORIES

Property Manager

A "property manager" is an associated licensee who meets the educational requirements and passes the examination for a property manager license and who for compensation, or with the intent or expectation of receiving compensation:

- negotiates or attempts to negotiate the rental or leasing of real estate or improvements thereon;
- lists or offers to list and provide a service in connection with the leasing or rental of real estate or real estate improvements; or
- advertises or otherwise represents to the public as being engaged in one of the above two activities.

Enacted 2016.

[S.C. Code § 40-57-30 \(2019\)](#)

South Carolina, Licensing Exemptions

The South Carolina real estate licensing laws, title 4, chapter 57, do not apply to:

- an unlicensed owner of an interest in real property who sells, leases or rents his or her legal interest in the property;
- an attorney at law acting within the scope of his or her duties involved in the legal representation of a client/property owner;
- agencies and instrumentalities of the state or federal government and their employees acting within the scope of their official duties;
- registered foresters, if the sale of any land is merely incidental to the sale of timber on the land;
- court-appointed receivers and trustees while acting within the scope of their appointment.

Enacted 2016.

[S.C. Code § 40-57-240 \(2019\)](#)

South Carolina, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

All real estate licensees must have graduated from high school or show a certificate of equivalency. In addition, an applicant for a broker's license must show completion of one hundred fifty hours of classroom instruction to include completion of the thirty-hour Unit III A Broker Management and the thirty-hour Unit III B Brokerage Principles courses in advanced real estate principles and practices. Ninety of the hours may be the hours required for a salesman's license.

Alternately, an applicant may submit evidence of holding a juris doctor degree, bachelor of law degree, a baccalaureate degree or master's degree with a major in real estate from an accredited college or university. The [Real Estate Commission](#) may also accept, in lieu of pre-licensing courses,

proof of related education and at least five years of experience immediately preceding license application in business activities equivalent to or closely related to real estate transactions.

Service in "lower" category

Three years of active experience with a salesman's license within the past five years is required.

Waiver of qualifications for some professionals

No relevant provisions were located.

Annual fees and filings

New license fee is \$125, valid for two years. Biennial renewal fee is \$55.

Applicant investigation

Applicants must submit a state criminal records check by a Commission-approved source and a national criminal records check, with costs borne by the applicant.

Effective May 19, 2020, the Commission will require initial applicants, and renewal applicants on every third license renewal, "to submit to a state fingerprint-based criminal records check, to be conducted by the State Law Enforcement Division (SLED), and a national criminal records check, supported by fingerprints, by the FBI."

Examinations

An applicant must receive a passing score on both parts of the examination. Applicants who do not receive a passing score may be re-examined within six months. An applicant who passes one part of the examination maybe re-examined only on the part he or she did not pass.

An applicant who holds a real estate license issued by another jurisdiction, or who has been so

license within six months before application in South Carolina must pass only the South Carolina state portion of the examination.

An applicant must apply for a license within one year of passing the exam.

Other prerequisites

A broker must:

- be at least eighteen years of age;
- have a high school diploma or certificate of equivalency; and
- be lawfully present and eligible to work in the United States.

The application fee for a broker is \$25.

BROKER-IN-CHARGE QUALIFICATIONS

An applicant for a broker-in-charge license must meet the same requirements as an applicant for a broker's license, except that a broker-in-charge license will not be granted unless the applicant:

- has an ownership interest in the applicant's company; or
- is actively engaged in the operation and management of the company.

The new license fee for a broker-in-charge is \$250, valid for two years.

Biennial renewal fee is \$75 per office.

SALESPERSON OR AGENT QUALIFICATIONS

Education

All real estate licensees must have graduated from high school or show a certificate of equivalency. In addition, an applicant for a salesman's license must show completion of sixty hours of classroom instruction in fundamentals of real estate principles and practices and thirty hours of classroom instruction in advanced real estate principles within five years before the application, provided an applicant may take the license exam before completing the 30 hours of advanced instruction. Alternately, an applicant may submit evidence of holding a juris doctor degree, bachelor of law degree, a baccalaureate degree or a master's degree with a major in real estate from an accredited college or university, or completion of another Commission-approved course of study.

First-year educational requirements

Within one year following licensure, a salesman must provide proof of satisfactory completion of thirty hours of post-licensing instruction in advanced real estate principles and practices. Failure to complete the post-licensing education within one year will result in cancellation of the license.

Effective January 1, 2017, salesperson initial licensure applicants will have to complete 90 hours of pre-licensing education prior to being issued a license. There will no longer be a one-year provisional license issued after completing sixty hours and passing the exam. Applicant must complete the additional thirty hours prior to issuance of a full sales license.

Waiver of qualifications for some professionals

No relevant provisions were located.

Annual fees and filings

New license fee is \$50 for two years. Biennial renewal fee is \$45.

Applicant investigation

Applicants must also submit a state criminal records check by a Commission-approved source and a national criminal records check, with costs borne by the applicant.

Effective May 19, 2020, the Commission will require initial applicants, and renewal applicants on every third license renewal, "to submit to a state fingerprint-based criminal records check, to be conducted by the State Law Enforcement Division (SLED), and a national criminal records check, supported by fingerprints, by the FBI."

Examinations

For pre-licensing courses that require an examination, providers must establish uniform testing and grading procedures for their quizzes and examinations and must use approved instructors for administering and monitoring all tests. No provider, instructor or any other individual may arbitrarily alter a student's grade or offer to students any re-examination of the same test previously administered. Retake examinations must contain at least eighty percent new material.

An applicant must receive a passing score on both parts of the state examination. Applicants who do not receive a passing score may be re-examined within six months. An applicant who passes one part of the examination may be re-examined only on the part he or she did not pass.

An applicant who holds a real estate license issued by another jurisdiction, or whose license issued by another jurisdiction expired within six months before application must pass only the state portion of the examination.

Other prerequisites

A salesman must be at least eighteen years of age. The application fee for a salesman is \$25.

SPECIALIST QUALIFICATIONS

Property Manager

An applicant for a property manager license must be a high school graduate or hold a certificate of equivalency and must complete a Commission-approved thirty-hour property management course. A law degree or baccalaureate degree with a major or masters degree in real estate or housing, or completion of another Commission-approved course of study qualifies an applicant for the property management examination. Applicants must apply for a property manager or property manager-in-charge license within one year after passing the exam.

An applicant for property manager -in-charge must hold an active property manager license and complete seven hours of Commission-approved instruction in property management accounting and record keeping.

A property manager must be at least eighteen years old; a property manager-in-charge must be at least twenty-one.

Applicants must also submit a state criminal records check by a Commission-approved source and a national criminal records check, with costs borne by the applicant. Effective May 19, 2020, the Commission will require initial applicants, and renewal applicants on every third license renewal, "to submit to a state fingerprint-based criminal records check, to be conducted by the State Law Enforcement Division (SLED), and a national criminal records check, supported by fingerprints, by the FBI."

There is no experience requirement.

The application fee is \$25. Within one year after passing the exam, applicants must pay a two-year license fee of \$125 for a property manager license.

A property manager-in-charge application fee is \$25. Within one year after passing the exam, applicants must pay a two-year license fee of \$250.

Statutes amended/enacted/renumbered 2016 (effective January 1, 2017); §§ 40-57-115, -340, -510 amended 2017.

[S.C. Code §§ 40-57-115, -310 to -340, -510 \(2019\); S.C. Real Estate Commission Fees \(Apr. 2019\); Property Management License Requirements \(last visited Nov. 6, 2019\)](#)

South Dakota

South Dakota, Continuing Education Approval

PROVIDER

General requirements

The Real Estate Commission may approve any course, seminar, conference, or equivalent that is provided by the Commission, a public or private school, organization, association, person, corporation, society, or similar organization, provided the course meets the minimum criteria.

Approval applications

An application for approval of classroom instruction shall be on a form provided by the Real Estate Commission. The application must be filed with the Commission at least thirty days (twenty days, effective July 1, 2015) before a course is offered and must be accompanied by a \$75 application fee. The application form must include the following information and enclosures:

- name, address, and telephone number of the course provider;
- the title of the course;
- a complete description or copies of all materials to be distributed to the participants;
- the date and exact location of each presentation of the course;
- the duration and time of course;
- a comprehensive, detailed outline of the subject matter together with course objectives, the time sequence of each segment, faculty for each segment, and teaching technique used in each segment;
- the method of evaluation of the program;
- the procedure for measuring attendance; and

- a description of the faculty, including name, professional educational background, and practical or teaching experience. A complete résumé shall be furnished.

Representatives of the Real Estate Commission may audit courses.

Distance learning course approval

The Real Estate Commission may approve distance learning or independent study courses. A "distance learning course" is defined as a course in which instruction takes place in other than a traditional classroom setting, the instructor and student are in physically separate locations, and instructional methods include interactive video-based instruction, computer conferencing, interactive audio, interactive computer software, and internet-based instruction. An "independent study course" is a course in which no interaction with an instructor is planned or implied as part of the learning process.

When acting on an application for approval of a distance learning or independent study course, the Commission shall consider the following minimum criteria:

- the course provider must specify the learning objectives for each lesson and clearly demonstrate that the course covers the required subject matter. Objectives must be specific to ensure that all relative content is covered adequately to ensure mastery of the objectives;
- the course provider must demonstrate that the course includes the same or reasonably similar informational content as a course that would otherwise qualify for the requisite number of hours of classroom-based instruction, and that students must proceed through and demonstrate comprehension of all the material;
- if the course is a distance education course, it must include consistent and regular interactive events appropriate to the medium. The interactive elements must be designed to promote student involvement in the learning process, and must directly support the student's achievement of the course's learning objectives. The course approval submission must identify the types of interactive events included in the course and specify how the interactive events contribute to the achievement of the stated learning objectives;
- the course must require that the student demonstrate mastery of the learning objectives as designated for each lesson in order to successfully complete the lesson. The course must

provide a mechanism of individual remediation to correct any deficiencies identified during the instruction and assessment process. In independent study courses, this remediation may be accomplished by quizzes or other exercises with detailed rationales in the answer key provided to students;

- the course provider must measure, at regular intervals, the student's progress toward and completion of the mastery requirement of each lesson or module covering all the required subject matter. In the case of computer-based instruction, the course software must include automatic shutdown after a period of inactivity;
- the applicant must demonstrate that approved instructors are available to answer student questions regarding course content at reasonable times and by reasonable means, including in-person contact, individual and conference telephone calls, e-mail, and fax. Communication by written postal correspondence alone is insufficient to satisfy this requirement;
- the course provider shall provide reasonable security to ensure that the student who receives credit for the course is the student who enrolled in and completed the course. Both the school and the student must certify in writing that the student has successfully completed the course;
- the course provider must require that the student pass an appropriate exam to successfully complete and receive credit. An examination will be considered appropriate if it contains at least five multiple-choice questions for each hour of credit and requires a minimum passing score of 80 percent;
- the course provider must give a complete description of any hardware, software, or other technology to be used by the provider and needed by the student to effectively engage in the delivery and completion of the course material and an assessment of the availability and adequacy of the equipment, software, or other technologies to the achievement of the course's instructional claims; and
- the course provider must provide explanation of how the course measures, documents, and records that the student has engaged in the required interactive exercises, achieved the required level of mastery, and spent the required amount of time completing the course and

how the course provides protection against loss of student data due to hardware of software failure or against inadvertent loss by the student.

The application fee for approval of a distance learning course is \$150. The application fee for approval of an independent study course is \$75.

Advertising

No relevant provisions were located.

Student records

The course provider must maintain records of students successfully completing a course for a minimum of three years.

Certificates of completion

A course provider shall provide an individual certificate of attendance to each licensee upon completion of the approved course or seminar. The certificate must contain the licensee's name, the course title, the date, the location of the course, the number of approved credit hours, and the signature of the course sponsor or instructor. The licensee must retain the attendance certificate until the next license renewal period has been completed. No certificate of attendance may be issued to a licensee who is absent for more than ten percent of the classroom hours.

Other submissions

The Real Estate Commission may approve courses certified by the Association of Real Estate License Law Officials if appropriate documentation that the ARELLO certification is in effect and that the course meets the content requirements is provided. Approval shall cease if the ARELLO certification is discontinued.

The course provider must submit a list of participants to the Commission within ten days after completion of a course. The course provider must provide a course evaluation form to each licensee for completion. The course provider must submit the completed course evaluations to the Commission within ten days after completion of a course.

CONTENT

Courses in the following areas are deemed acceptable when considering approval:

- real estate ethics;

- legislative issues that influence real estate practice including both pending and recent legislation;
- the administration of licensing provisions of real estate law and the administrative rules;
- real estate financing;
- real estate market measurement and evaluation, including site evaluations, market data, and feasibility studies;
- real estate brokerage;
- real estate mathematics;
- real property management;
- real property exchange;
- land use planning and zoning;
- real estate securities and syndication;
- estate building and portfolio management;
- accounting and taxation as applied to real property;

- land development;
- real estate appraising;
- real estate marketing procedures;
- the use of calculators or computers as applied to the practice of real estate;
- basic computer skills;
- fair housing;
- environmental issues;
- antitrust;
- home inspection; and
- the Americans with Disabilities Act.

The following courses do not qualify for continuing education or post-licensing education purposes:

- courses in mechanical office and business skills, such as typing, keyboarding, speed-reading, memory improvement, language, and report writing;

- sales promotion or other meetings held in conjunction with a licensee's general business;
- a course certified by the use of a challenge examination. All students must complete the required number of classroom hours to receive certification;
- meetings which are a normal part of the in-house staff or employee training;
- orientation courses for licensees, such as those offered through local real estate boards;
- development courses for instructors; and
- effective July 1, 2009, personal development or motivational courses.

MATERIALS

A description of the course materials to be used must be included with the application for course approval.

INSTRUCTOR QUALIFICATIONS

Instructors, lecturers, seminar leaders, and others who present a continuing education course must meet at least one of the following qualifications:

- a bachelor's, graduate, or postgraduate degree in the field in which the person is to teach;
- a valid teaching credential or certificate from South Dakota or another state authorizing the holder to teach in the field of instruction being offered;

- five years' full-time experience in a professional, trade, or technical occupation in the applicable field;
- any combination of at least five years of full-time applicable field experience and college level education; or
- expertise in specialized courses as approved by the Real Estate Commission.

In addition to meeting at least one of the qualifications set out above, an instructor seeking approval to teach real estate agency law specific to South Dakota must complete an approved training course.

A course provider may utilize guest speakers with expertise in a particular area in any approved course if an approved instructor is present at the time of the presentation. A course provider may utilize a guest speaker without an approved instructor being present with the prior written approval of the commission.

An application for approval of a course utilizing guest speakers must include a résumé of each speaker.

PRIOR APPROVAL REQUIREMENTS

Approval timing

An application for approval of a course must be filed with the Real Estate Commission no later than thirty days prior to the course.

Approval after class date

A course provider may seek approval of a course subsequent to a course offering by submitting the information requested by the Real Estate Commission.

EXAMINATION

Examination requirements

Distance learning and independent study courses must:

- provide a means of diagnostic assessment of each student's performance on an ongoing basis during each module of instruction, including appropriate remediation where required. In independent study courses the remediation may be accomplished by quizzes or other exercises with detailed rationales in an answer key provided to students; and
- require that the student demonstrate adequate comprehension of all material covered by the learning objectives for the module or unit before completing that module or unit.

In addition, students in a distance learning or independent study course must pass an appropriate exam. An appropriate exam contains at least five multiple-choice questions for each hour of credit and requires a minimum passing score of at least eighty percent.

Proctors

No relevant provisions were located.

Section 36-21A-63 added 1992; regulations 20:69:11:01.01, 20:69:11:12, 20:69:11:18 amended 2001; regulations 20:69:11:01.02, 20:69:11:01.04, 20:69:11:08.02 added 1998; regulation 20:69:11:19.01, added 2001; regulations 20:69:11:01, :02, :02.01, :02.02, :03, :04, :06, :08, :08.03 amended 2015; regulations 20:69:01.05, :01.06 added 2015.

[S.D. Codified Laws § 36-21A-63 \(2019\)](#); [S.D. Admin. R. 20:69:11:01](#); [:01.01](#); [:01.02](#); [:01.04](#); [:06](#); [:07](#); [:07.01](#); [:08](#); [:08.01](#); [:08.02](#); [:08.04](#); [:10](#); [:12](#); [:18](#); [:19](#); [:19.01](#); [:24 \(2019\)](#)

BROKER REQUIREMENTS

Exemptions

An inactive licensee is exempt from the continuing education requirements, as are South Dakota-licensed attorneys and time-share agents.

The Real Estate Commission may make exceptions and grant extensions for continuing education for reasons of health, military service, or other good cause if proof is provided to the Commission.

A nonresident licensee from a state with a reciprocity agreement with South Dakota is exempt from the South Dakota requirements if the nonresident licensee meets all the requirements of his or her home jurisdiction.

Required hours

A licensee who has been licensed for one year or more preceding the date by which continuing education attendance must be reported must have twenty-four hours of attendance at approved courses in the two years preceding his or her report. No more than twelve of the hours may be in elective subject areas.

In order to activate an inactive license, a licensee must complete 24 hours of continuing education within the licensee's current licensing period or within two years preceding the licensing's current licensing period. If the license is placed on inactive status during either of the first two license cycles after original licensure must complete the postlicensing education required during that cycle to activate the license. Courses taken to reactivate a license may not be used to renew a license.

No more than six hours of independent study per reporting period may be used to fulfill the requirements.

Minimum class length

Not less than three hours. A classroom hour is at least fifty minutes of actual classroom instruction out of each sixty-minute segment.

Subjects

Effective July 1, 2015, at least twelve of the required twenty-four hours must include study in the following required continuing education subject areas:

- real estate ethics;

- legislative issues influencing real estate practice, including both pending and recent legislation;
- administration of licensing provision of the real estate laws and rules;
- real estate brokerage, including agency, contracts trust accounting, fiduciary duties and risk management;
- Fair Housing;
- environmental issues;
- antitrust; and
- the Americans with Disabilities Act.

Effective July 1, 2015, no more than twelve hours may include study in the following elective subject areas:

- real estate finance;
- real estate market measurement and evaluation;
- real estate mathematics;
- real property management;

- real property exchange;
- land development, use, planning and zoning;
- real estate securities and syndication;
- real estate portfolio management;
- real property accounting and taxation;
- real estate business planning;
- real estate appraisal;
- real estate marketing procedures;
- technology as applied to real estate practice;
- home inspection; and
- real estate negotiation.

Credit for a course may be given only once to an individual in each reporting period.

The following courses do *not* qualify for either postlicensing or continuing education purposes:

- courses in mechanical office and business skills;
- sales promotion or other meetings held in conjunction with a licensee's general business;
- a course certified by use of a challenge examination (all students must complete the required number of classroom hours to receive certification);
- meetings that are part of in-house staff or employee training;
- orientation courses for licensees;
- development courses for instructors; and
- courses designed to promote the sale of a product or service.

Attendance requirements

No certificate of attendance for a course may be issued to a licensee who is absent for more than ten percent of the classroom hours.

Other requirements

Any school offering an approved distance education or independent study course must obtain from each student a statement attesting that all assignments and examinations completed are the work of the enrolled student.

ASSOCIATE BROKER REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

A broker associate who received his or her initial license after June 30, 2009 must complete 60 class hours of education in a course of study approved by the Real Estate Commission. The 60 class hours must be completed within the first two active license cycles after initial licensure. The 60 hours will apply towards the continuing education requirements for license renewal. All sixty hours must include study in the required continuing education subject areas listed above.

Note: Any hours completed in the subject areas of negotiation, business planning, technology or marketing before July 1, 2015 will count toward the licensee's postlicensing education requirement.

Broker associates must comply with the same continuing education requirements as responsible brokers for all subsequent renewal cycles.

SALESPERSON OR AGENT REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SPECIALTY LICENSE REQUIREMENTS

Auctioneer

An auctioneer must obtain 24 hours of approved continuing education during the preceding two-year period.

Property manager

A property manager must obtain 24 hours of approved continuing education during the preceding two-year period.

Any property manager licensed after January 1, 2019 must provide proof of participation in not less than 30 hours of approved continuing education in the initial licensing cycle, which hours must be in subject areas under S.D. Admin. R. § 20:69:11:01.05. Property managers who have completed the initial licensing cycle continuing education are subject to continuing education requirements as defined in § 20:69:11:02.

Residential rental agent

A residential rental agent must complete at least 12 hours of approved continuing education in the two years preceding license renewal.

Time-share agents

Time-share agents are exempt from continuing education requirements.

Section 36-21A-30.2 amended 2013; section 36-21A-34.1 amended 2013; sections 36-21A-62, -64 amended 2013, section 36-21A-65 added 1992; regulations 20:69:11:14, 20:69:11:19, amended 2001; regulations 20:69:11:05, 20:69:11:07, and 20:69:11:19 amended 2009; regulations 20:69:06:10 amended 2010; regulations 20:69:11:01, :02, :02.01, :02.02, :03, :04, :06, :08, :08.03 amended 2015; regulations 20:69:01.05, :01.06 added 2015; regulation 20:69:14:13 added 2018, effective January 1, 2019.

[S.D. Codified Laws §§ 36-21A-30.2, -34.1, -62, -64, -65 \(2019\); S.D. Admin. R. 20:69:06:10; :11:02; :02.02; :03; :04; :05; :07; :08.03; :14; :19; :21; 14:13 \(2019\)](#)

South Dakota, Licensing Categories

BROKER

A broker or "real estate broker" is any person who does any of the following:

- for another and for compensation or consideration or with the intention or expectation of receiving compensation or consideration, directly or indirectly, lists, sells, exchanges, buys, rents, manages, offers or attempts to negotiate a sale, option, exchange, purchase, lease or rental of an interest in real property, or a mobile or manufactured home, unless licensed to sell used mobile or manufactured homes, or advertises or holds himself out as engaged in such activities;
- for another and for compensation or consideration or with the intention or expectation of receiving compensation or consideration, directly or indirectly, negotiates or offers or

attempts to negotiate a loan, secured or to be secured by a mortgage or other encumbrance on real property;

- for another and for compensation or consideration or with the intention or expectation of receiving compensation or consideration, directly or indirectly, lists, sells, exchanges, buys, rents, manages, offers or attempts to negotiate a sale, option, exchange, purchase, lease or rental of any business opportunity or business, or its goodwill, inventory or fixtures, or any interest therein;
- for another and for compensation or consideration or with the intention or expectation of receiving compensation or consideration, directly or indirectly, offers, sells or attempts to negotiate the sale of property that is subject to the registration requirements concerning subdivided land;
- charges a fee for undertaking to promote the sale or lease of real property by means of listing in a publication primarily for such purpose;
- engages wholly or in part in the business of selling real property to the extent that a pattern of selling real property is established, whether or not the real property is owned by the person;
- is employed by or on behalf of any owner of lots or other parcels of real property for compensation or consideration to sell the real property or any part thereof;
- appraises, offers, attempts or agrees to appraise real property unless licensed or certified to appraise under some other provision of state law;
- for another and for compensation or with the intention or expectation of receiving compensation or consideration, prepares or offers to prepare a broker price opinion or comparative market analysis;
- auctions, offers, attempts or agrees to auction real estate unless licensed to auction real property under some other provision of state law; or

- buys or offers to buy or sell or otherwise deals in options to buy real property.

A real estate broker is responsible for the real estate activities of his or her broker associates and salesmen, whether they are employees or independent contractors.

BROKER ASSOCIATE

See definition of "Broker," above. Broker associates may perform the acts listed in the statute only when associated with another broker.

SALESPERSON OR AGENT

Effective January 1, 2003, salesperson licenses are not issued. Entry-level licensees apply for broker associate license.

SPECIALIST CATEGORIES

Restricted broker

The Commission may provide for the issuance of a restricted broker's license to auctioneers, property managers, mortgage brokers or time-share or residential-rental agents, in which case the licensee may perform only those duties specified by the license.

An auctioneer may list, advertise, show, and sell real property or business opportunities at auction only. An auctioneer may also close a real estate auction sale.

Statutes amended 2013; regulation 20:69:06:04 amended 2003.

[S.D. Codified Laws §§ 36-21A-6, -12, -47, -79 \(2019\); S.D. Admin. R. 20:69:06:04 \(2019\)](#)

South Dakota, Licensing Exemptions

The following are exempt from the real estate licensing requirements:

- any person who as a bona fide owner or lessor, performs any of the acts described in the definitions of "real estate broker" or "real estate salesperson" with reference to property owned, or leased by the person, or to any regular employees thereof, if such acts are performed in the regular course of, or as an incident to the management of such property or investment in such property;
- any public officer while performing the officer's duties;
- any person owning and operating a cemetery and selling lots solely for use as burial plots;
- any person acting as a receiver, trustee, administrator, executor, guardian or under court order, or while acting under authority of a deed, trust, or will;
- any custodian, janitor, or employee of the owner or manager of a residential building who exhibits a residential unit therein to prospective tenants, accepts applications for leases and furnishes prospective tenants with information relative to the rental of the unit, terms and conditions of leases required by the owner or manager and similar information;
- any owner, manager, or employee of a business holding a lodging license while engaging in the lodging business;
- any attorney at law, admitted to practice in South Dakota, unless that attorney holds him- or herself out to be in the real estate business, or solicits real estate business, in which case the attorney may obtain a real estate license without examination, but is otherwise subject to the real estate licensing laws;
- any bank, bank holding company or subsidiary thereof, trust company, savings and loan association, public utility or any land mortgage or farm loan association organized under the laws of South Dakota or the United States, if engaged in the transaction of business within the scope of its corporate powers as provided by law;
- a person or company whose business practice is to collect compensation to publish real estate listings in any media;

- any person holding, in good faith, a duly executed power of attorney from the owner, authorizing the final consummation and execution for the sale, purchase, leasing, or exchange of real property if such acts are not of a recurrent nature and done with the intention of evading the real estate licensing laws; and
- any employee of any person enumerated above whose principal duties are other than those duties described in the statutes defining "real estate broker" or "real estate salesperson", if engaged in the specific performance of the employee's duties.

Section 36-21A-29 amended 2018.

[S.D. Codified Laws § 36-21A-29 \(2019\)](#).

South Dakota, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

One hundred class hours in a course of study approved by the [Real Estate Commission](#), or in an independent study or distance learning course approved by the Commission, as required for an associate broker's license. In addition, an applicant for a responsible broker's license must complete fifteen additional hours of education in a course approved by the Commission.

An applicant for a responsible broker's license who has completed all of the requirements for licensure except the fifteen additional hours of education may be issued a license if the applicant certifies in writing to complete the fifteen hours within 6 months of the date of license approval.

Applicants for a responsible broker's license must complete a course in brokerage and human resource management. The course is fifteen hours long and includes a final examination. The broker associate prelicensing course or broker upgrade course (see "ASSOCIATE BROKER QUALIFICATIONS," below) must be completed before taking the responsible broker course.

Satisfactory completion of a real estate course, for the purpose of this section, means attaining a passing grade in the course as determined by the instructor. An application for credit under this rule must be accompanied by an authenticated transcript from the college, university, vocational school, or prelicensing education school and a description of the course or courses completed.

Service in "lower" category

Two years as a licensed salesperson or broker associate, or a combination of the two.

The experience requirement may be waived if the applicant certifies that he or she has been refused association as a salesperson or broker associate by at least three licensed responsible brokers within sixty days before the application. The responsible brokers will be contacted by the Commission to determine whether the applicant's applications were made in good faith. If the applications were not made in good faith, the waiver will be denied. An applicant is not required to relocate in order to show good faith. If the reason for an applicant's refusal of an offer of employment is the terms of the employment contract offered, the refusal will not count as a refusal if the Commission determines that the offered contract was unfair.

Waiver of qualifications for some professionals

A licensed attorney may obtain a real estate license without examination, but the attorney is otherwise subject to the rules governing real estate licensees.

Annual fees and filings

The initial application fee is \$225.

The biennial renewal fee is \$125.

Applicant investigation

Licensing applications are verified on oath or affirmation, under penalty of perjury.

All applicants must submit to a federal and state criminal background check. The check is done by fingerprint checks by the Federal Bureau of Investigation and the state Division of Criminal Investigation. Any fees charged for the fingerprinting or the background investigation must be paid by the applicant.

A license will be granted only to persons of reputable character who are competent to transact the business of a licensee in a manner as to safeguard the interest of the public, and whose application for a license has not been rejected, except for failing the examination, in this or any other state within one year prior to the date of application. A broker's license will not be issued to any person whose license was revoked in any state within five years prior to date of application.

In addition, an application may be denied for any one of the following reasons:

- the applicant has written insufficient funds checks within the calendar year before application or has written an insufficient funds check for his or her application;
- the applicant has been convicted of a felony or of a misdemeanor involving moral turpitude. If the applicant is a firm, a license may be denied if any partner, associate, director, stockholder, officer or qualifying broker has been convicted of a felony or of a misdemeanor involving moral turpitude;
- the applicant has been disciplined by a regulatory agency in relation to his activities as a real estate salesman or broker, appraiser, mortgage broker, auctioneer or any other regulated licensee, including insurance, securities, law and commodities trading;
- the applicant has failed to satisfy the requirements for licensing;
- the applicant has failed the prelicense school examination;
- the applicant has not met the preclicensing education requirements;
- the applicant made deliberate misstatements, deliberate omissions, misrepresentations or untruths in his application; or
- the applicant has a current and unpaid judgment filed against him.

Examinations

Applicants must pass a written examination. A person may not take the examination unless he or she has completed the prelicensing education requirements within two years prior to the date of the examination, and unless he or she is registered.

The passing score on the licensing examination is seventy-five.

The contents of the examination are determined by the Real Estate Commission. The Commission will also determine the time and the place of the examination.

A person who is registered to take the examination who does not appear forfeits his or her registration fee, and must register again to take it.

Before beginning the examination, the person taking it must state in writing that he or she has not solicited or received any information concerning the contents of the examination and during or subsequent to the examination will not disclose its contents. The examination of any person caught cheating is void.

Other prerequisites

Applications, along with proof of education, must be filed within sixty days of receiving notice of passing the examination.

No license will be granted unless the applicant is at least eighteen years old.

Except as otherwise allowed, a broker's license will be granted only to United States citizens, or residents of South Dakota.

Corporate licensees

In order for a corporation, limited liability company, partnership, or other association to be licensed, the firm must designate one or more qualifying brokers who own a substantial interest and represent the firm. The qualifying broker shall sign the license application.

The application fee for a firm license is \$100. The biennial renewal fee is \$125.

ASSOCIATE BROKER QUALIFICATIONS

Except as noted below regarding education and prior service, the requirements for an associate broker's license are the same as for a responsible broker's license (see "BROKER REQUIREMENTS" above).

Education

An applicant for an associate broker's license must complete 116 class hours of study. The prelicensing course must include the following subject areas:

- South Dakota real estate license law and rules;
- Characteristics and nature of real property;
- Agency;
- Listing property;
- Selling property;
- Contracts and contingencies;
- Property management;
- Finance;
- Settlement/transfer of ownership/closings;
- Federal laws, including the Fair Housing Act, Real Estate Settlement Procedures Act, Sherman Antitrust Act, Americans with Disabilities Act, and environmental regulations; and
- Professional responsibilities and ethics.

The course must include practicum exercises and examinations in each area of study.

After receiving initial licensure, a broker associate must complete 60 hours of Commission-approved education by the second active renewal date, with 30 hours completed during the initial active licensing period and 30 hours completed during the second active licensing period. Those hours apply toward the continuing education requirements for license renewal.

Service in "lower" category

No prior service or experience is required for an associate broker's license.

SALESPERSON OR AGENT QUALIFICATIONS

Effective January 1, 2003, salesperson licenses are no longer issued.

SPECIALIST QUALIFICATIONS

Limited Broker/Auctioneer

Except as noted below regarding education and prior service, the requirements for a limited broker/auctioneer's license are the same as for a responsible broker's license (see "BROKER REQUIREMENTS" above).

A real estate salesperson or broker associate acting under the auspices and supervision of a licensed real estate broker may sell real estate at auction without an auctioneer's license. A real estate broker may obtain an auctioneer's license without examination.

Education

One hundred class hours within the two years before the date of application in a course on the principles and practices of real estate.

Service in "lower" category

No prior service or experience is required for a limited broker/auctioneer's license.

Property Manager

A real estate broker may obtain a property manager license without an examination. An associate broker may manage property independently of a responsible broker if the associate broker has fulfilled the education and experience requirements of S.D. Codified Laws § 36-21A-31.

Sections 36-21A-30, 36-21A-35, 36-21A-36 added 1992; § 36-21A-36.1 amended 2013; § 36-21A-34.2 repealed 2013; § 36-21A-30.2 amended 2013; § 36-21A-151 added 2009; § 36-21A-33 amended 2011; §§ 36-21A-32 and 36-21A-37 amended 1996; § 36-21A-38 amended 2011; §§ 36-21A-30.1 and 36-21A-31 amended 2009; regulations 20:69:03:02.01, 20:69:03:04, 20:69:03:04.01 added 1998; regulation 20:69:04:01.02 added 2001; regulations 20:69:03:07, 20:69:03:12, 20:69:04:06 amended 1993; regulations 20:69:03:01, 20:69:03:05, 20:60:03:06, 20:69:03:08 amended 1998; regulations 20:69:03:10, 20:69:03:13 amended 2002, regulation 20:69:03:02 amended 2003; regulations 20:69:04:02, 20:69:04:03, 20:69:04:04, 20:69:04:05 amended 2009.

[S.D. Codified Laws §§ 36-21A-30; -30.1; -30.2; -31; -32; -33; -35; -36; -36.1; -37; -38; -41; -151 \(2019\); S.D. Admin. R. 20:69:03:01; :02; :02.01; :04; :04.01; :05; :06; :07; :08; :10; :12; :13; :15; :04:01.02; :02; :03; :04; :05; :06; :07; :28; :14:03 \(2019\)](#)

Tennessee

Tennessee, Continuing Education Approval

PROVIDER

General requirements

Courses designed to meet the educational requirements of licensees must be established and conducted in accordance with the rules and regulations of the [Real Estate Commission](#).

Approval applications

An applicant must demonstrate to the satisfaction of the Real Estate Commission that each course submitted for approval will:

- cover subjects which are reasonably related to the practice of real estate and suitably advanced to benefit and enrich the students enrolled;
- be conducted in a facility which contains adequate space, seating, and equipment;

- consist of at least two classroom hour; and
- incorporate appropriate methods for determining whether a student has successfully completed such course.

Distance learning course approval

A distance learning course using printed materials may qualify for approval by the Real Estate Commission as a post-licensing course if:

- students will be furnished a manual or other printed materials;
- a comprehensive course outline, requirements for successful completion of the course, and information regarding the availability of faculty to students are provided;
- students are required to complete a minimum of six assignments that are submitted periodically to the instructor, graded, and returned to the student; and
- if the class provides more than eight hours of credit, a comprehensive final examination, or equivalent measure of achievement, is executed prior to submitting the class roster to the Commission include at least six written exercises indicating successful completion of the course.

A distance learning course that uses computer based, disc, or online material may be submitted for Commission approval if the course is certified by the Association of Real Estate License Law Officials (ARELLO), or other body approved by the Commission, as to technology, support of the technology, interactivity, and course design. The Commission will review certified courses on a case-by-case basis.

Any course providing more than eight hours of credit must include a final examination that shall be executed prior to submission to the Commission for course credit.

Advertising

No materials shall be used for advertising or promoting any course designed to meet the education requirements without advance approval by the Real Estate Commission. Any statements or claims made in such materials must be factually supported.

Student records

The sponsor of any course approved by the Real Estate Commission must submit to the Commission a roster of all students who complete the course within ten days of the end of the course. The roster must include the name and license/file number of each student.

Certificates of completion

Each sponsor of any approved continuing education course for affiliate brokers, or post licensing course for brokers, shall submit, within ten working days of the completion of the course, to the Real Estate Commission, a roster of all students who successfully complete each course. The roster shall include the name, social security number and file identification number of each student. This information must be provided on a roster form approved by the Commission.

Other submissions

Before any educational course is reviewed for approval by the Commission, a non-refundable fee must be paid according to the following hourly credit schedule:

- any course not exceeding eight hours a fee of \$10;
- any course from nine hours to thirty hours a fee of \$25; or
- any course exceeding thirty hours a fee of \$50.

In addition to the fees set out above, providers must submit a \$25 fee for each instructor.

Providers must incorporate appropriate methods for determining whether a student has successfully completed a course. Such methods include, but are not limited to:

- a minimum attendance requirement of 80%, or 100% if the course consists of eight or fewer classroom hours;
- provisions to make up for all classes missed by a student; and
- a minimum passing requirement of 70% and a comprehensive final examination (or equivalent measure of achievement), if the course consists of more than eight (8) classroom hours. Courses taken by affiliate brokers or brokers of eight classroom hours or less may be approved for continuing education or post licensing credit without a comprehensive final examination being given.

CONTENT

The content of all courses approved for continuing education credit shall be directly related to the following topics:

- Valuation of Real Estate;
- Construction-Property condition, energy;
- Contracts;
- Agency;
- Financing Real Estate;
- Investment Real Estate;
- License Law and Rules;

- Property Management;
- Taxation of Real Estate Transaction;
- Closing and Settlement Procedures; and
- Land Use, Planning and Zoning.

MATERIALS

Except as noted above for correspondence courses, no provisions requiring submission or approval of class materials were located.

INSTRUCTOR QUALIFICATIONS

An approved course must be under the personal and direct supervision of an instructor who:

- has completed a Tennessee Real Estate Commission approved course in instructor training;
- has completed a high school education or the equivalent thereof;
- has no complaints filed against him or her in the Office of the Real Estate Commission which have not been satisfactorily resolved;
- if the course concerns the principles of real estate, mathematics, or sales techniques, is a licensed broker (or, with the approval of the Commission, affiliate broker) with at least five years of experience in the subject of such course;

- if the course concerns the law of real estate, has graduated from a law school accredited by the American Bar Association or approved by the State Board of Law Examiners;
- if the course concerns any other field in which a degree or other recognized designation is commonly awarded, has earned such degree or designation, or has at least five years of satisfactory experience in the field; and
- if the course is offered for credit at a college or university, has either a master's degree and three years of satisfactory experience in the area of instruction, or a terminal degree in the area of instruction.

PRIOR APPROVAL REQUIREMENTS

Approval timing

Course approvals are valid for two years.

Approval after class date

No provisions permitting approval after the class date were located. Course providers must resubmit courses for approval at least 120 days prior to the expiration date.

EXAMINATION

Examination requirements

A minimum passing requirement of 70 percent and a comprehensive final examination (or equivalent measure of achievement) is required if the course consists of more than eight classroom hours. No final examination is required in continuing education courses of eight classroom hours or less.

Proctors

No relevant provisions were located.

Section 62-13-324 amended 2015; section 62-12-325 added in 2009; section 62-13-106 amended 1989; regulation added 1989; regulation 1260-05-.13 amended 1984; regulation 1260-05-.04 amended 1994; regulations 1260-05-.03, -.07, -.11 amended 2008; regulation 1260-05-.15 amended 2019; regulation 1260-05-.16 amended 2010.

Tenn. Code § 62-13-106, -324, -325 (LexisNexis 2019); [Tenn. Comp. R. & Regs. 1260-05-.03; -.04; -.07; -.11; -.13; -.15; -.16 \(2019\)](#)

Tennessee, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

No provisions allowing exemptions from the continuing education requirements were located.

Required hours

See "Licensing Prerequisites" for educational requirements that apply to the first three years of licensure.

After the initial three-year licensing period, every two years a broker shall furnish certification of satisfactory completion of sixteen classroom hours in real estate courses at any school, college, or university approved by the Real Estate Commission as a requisite for the reissuance of his or her license.

Minimum class length

Approved courses must consist of no less than two classroom hours. A classroom hour shall consist of fifty minutes of instruction.

Subjects

Six of the sixteen required hours must be the Tennessee Real Estate Commission core course. The remaining ten hours may be elective courses pre-approved by the Commission.

Credit will not be awarded if the content of a course duplicates or repeats that for which credit has been previously received in the same renewal period.

Attendance requirements

Licensees must attend a minimum of eighty percent of the classroom hours. If the class is less than eight hours, one hundred percent attendance is required.

Distance learning classes

Distance learning courses approved by the Commission may be used to meet continuing education requirements. No limitation on the number of hours for which correspondence classes could be used was located.

In order to receive credit, a licensee must complete a distance learning course within one year of the date of enrollment.

Other requirements

It is the responsibility of each licensee to provide his or her file identification number at the time of registration for any approved post licensing course for brokers. If the licensee fails to provide his or her file identification number to the sponsor, he or she may not receive credit for the course from the Tennessee Real Estate Commission.

AFFILIATE BROKER REQUIREMENTS

Exemptions

No provisions allowing exemptions from the continuing education requirements were located.

Required hours

See "Licensing Prerequisites" for educational requirements that apply prior to the issuance of the license.

Every two years, as a condition for license renewal, an affiliate broker must furnish certification of the satisfactory completion of sixteen classroom hours in real estate courses at any school, college, or university approved by the Real Estate Commission.

An affiliate broker will not receive continuing education credit for classroom hours completed prior to licensure, or during a prior license period.

Minimum class length

Approved courses must consist of no less than two classroom hours. A classroom hour shall consist of fifty minutes of instruction.

Subjects

The Real Estate Commission may, in its discretion, designate that a portion of the education required of affiliate brokers be composed of specific topic.

Six of the sixteen required hours of continuing education must be the Tennessee Real Estate Commission core course. The remaining ten hours may be elective courses pre-approved by the Commission.

Credit will not be awarded if the content of a course duplicates or repeats that for which credit has been previously received in the same renewal period.

Broker management clinics

The "office or brokerage management" course required of applicants for broker's licenses will not be approved as a post-licensing or continuing education course for affiliate brokers.

Attendance requirements

Licensees must attend a minimum of eighty percent of the classroom hours. If the class is less than eight hours, one hundred percent attendance is required.

Correspondence classes

Correspondence courses approved by the Commission may be used to meet continuing education requirements. No limitation on the number of hours for which correspondence classes could be used was located.

Other requirements

It is the responsibility of each licensee to provide his or her file identification number at the time of registration for any approved continuing education course for affiliate brokers. If the licensee fails to provide his or her file identification number to the sponsor, he or she may not receive credit for the course from the Tennessee Real Estate Commission.

SALESPERSON OR AGENT REQUIREMENTS

No relevant provisions were located.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section 62-13-325 added in 2009; § 62-13-303 amended 2013; regulation 1260-05-.14 amended 2006; regulations 1260-05-.03, -.07, and -.11 amended 2008; regulation 1260-05-.12 amended 2010.

Tenn. Code § 62-13-303, -325 (LexisNexis 2019); [Tenn. Comp. R. & Regs. 1260-05-.03; -.07; -.11; -.12; -.14 \(2019\)](#)

Tennessee, Licensing Categories

BROKER

A "broker" is any person who for a fee, commission, finder's fee or any other valuable consideration, or with the intent or expectation of receiving the same from another:

- solicits, negotiates or attempts to solicit or negotiate the listing, sale, purchase, exchange, lease or option to buy, sell, rent or exchange for any real estate or of the improvements thereon or any time-share interval;

- collects rents or attempts to collect rents;
- auctions or offers to auction; or
- advertises or holds out as engaged in any of the foregoing.

The term also includes any person employed by or on behalf of the owner or owners of lots or other parcels of real estate, at a salary, fee, commission, or any other valuable consideration, to sell such real estate or any part thereof. It also includes any person who engages in the business of charging an advance fee or contracting for collection of a fee in connection with any contract primarily to promote the sale of real estate either through its listing in a publication issued primarily for such purpose, or for referral of information concerning such real estate to brokers, or both.

AFFILIATE BROKER

An "affiliate broker" is any person engaged under contract by or on behalf of a licensed broker to participate in any activity engaged in by licensed real estate brokers.

A licensee may be engaged only by a principal broker who is:

- engaged primarily in the real estate business; and
- accessible during normal daytime working hours.

SALESPERSON OR AGENT

No relevant provisions were located.

SPECIALIST CATEGORIES

Time Share Salesperson

"Time-share salesperson" means any person acting as a seller of any time-share interval under contract with or control of a licensed real estate broker pursuant to a registered time-share

program.

A licensed broker or affiliate broker is entitled to sell time-share intervals pursuant to a registered time-share program.

Acquisition Agent

An "acquisition agent" is a person who by means of personal inducement, solicitation, or otherwise attempts directly to encourage any person to attend a sales presentation for a time-share program.

Section 62-13-102 amended 2002; regulation 1260-02-.01 amended 2017.

Tenn. Code Ann. § 62-13-102 (LexisNexis 2019); [Tenn. Comp. R. & Regs. 1260-02-.01 \(2019\)](#)

Tennessee, Licensing Exemptions

The real estate licensing laws do not apply to:

- an owner of real estate with respect to property owned or leased by that person;
- an attorney-in-fact under a duly executed and recorded power of attorney from the owner or lessor;
- the services rendered by an attorney at law in the performance of duties as such;
- a resident manager for a broker or an owner, or employee of a broker, who manages an apartment building, duplex or residential complex where such person's duties are limited to supervision, exhibition of residential units, leasing and/or collection of security deposits and rentals from such property. The resident manager or employee shall not negotiate the amounts of security deposits or rentals and shall not negotiate any leases on behalf of the broker;
- a corporation, foreign or domestic, where the transaction occurs as an incident to the management, lease, sale or other disposition of real estate owned by the corporation; or

- the services performed by a vacation lodging business.

Section 62-13-104 amended 2010.

Tenn. Code § 62-13-104 (LexisNexis 2019)

Tennessee, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

Applications submitted to the [Real Estate Commission](#) must be accompanied by proof of satisfactory completion by the applicant of 120 classroom hours in real estate (before or after receipt of an affiliate broker's license) at a school, college, or university approved by the Commission, including thirty classroom hours covering office or brokerage management. The office or brokerage management class shall include significant instruction in the following areas:

- overview of theories, processes, and functions of management;
- review of contracts and closing statements;
- transition to management role;
- planning; policy-making; setting objectives;
- organizing and staffing;
- recruiting, selecting, training, and retaining sales and office personnel;

- written instruments; policy and procedures manual; contract between independent contractor and broker, and contract between salesperson-employee and broker;
- financial systems and records;
- processes, procedures, and methods of control;
- stages of development in real estate firms;
- market analysis;
- horizontal and vertical expansions;
- mergers and acquisitions;
- governmental controls on real estate, including the Tennessee Real Estate Broker License Act; and
- any additional subject that the Commission may require by reasonable written notice of the course sponsor and/or instructor.

Initial educational requirements

Within a period of three years from the date of issuance of an original broker's license, the licensee shall furnish certification of satisfactory completion of an additional one hundred twenty classroom hours in real estate at any school, college or university approved by the Commission. Certification is a condition of re-issuance of the broker's license.

Service in "lower" category

An applicant who was licensed as an affiliate broker on or before May 12, 1988 must have been

engaged as a real estate licensee for at least twenty-four months or, if the applicant has a baccalaureate degree with a major in real estate, for at least twelve months.

An applicant who was licensed as an affiliate broker after May 12, 1988, must have been engaged as a real estate licensee for at least thirty-six months or, if the applicant has a baccalaureate degree with a major in real estate, for at least twenty-four months.

Waiver of qualifications for some professionals

An applicant may be excused from the "uniform principles of real estate" portion of the examination if he or she:

- holds a license in another state and has successfully completed an examination approved by the Tennessee Real Estate Commission; and
- attained on the "uniform principles" portion of such examination at least the minimum passing score requirement.

Annual fees and filings

The fee for the issuance of a license is \$90, plus a \$1.00 fee for deposit in the real estate education and recovery fund. The fee for renewal is \$75.

Applicant investigation

All applicants for initial licensure issued on or after January 1, 2014 must submit a complete set of fingerprints, in a form prescribed by the Commission, to the Commission or to the Tennessee Bureau of Investigation for the purpose of obtaining a criminal background check. A licensee renewing a license or who seeks to obtain a broker license after being licensed as an affiliate broker need not submit fingerprints.

Examinations

Applicants must pass a written examination in order to receive a license; however, passage of the examination is not necessarily qualification for licensure.

Applications for the broker's examination must follow the procedures published by the testing vendor approved by the Tennessee Real Estate Commission concerning appointments for testing, information required, and deadlines for submission of examination applications.

The fee for the examination will be set by the vendor that administers the examination. The examination shall include business ethics, composition, arithmetic, elementary principles of land economics and appraisal, closing statements, a general knowledge of Tennessee statutes relating to deeds, mortgages, trust deeds, contracts of sale, leases and other related matters, and the provisions of the real estate licensing laws.

The broker's examination shall be of a more exacting nature and scope than the affiliate broker's examination.

Any applicant detected cheating during an examination shall forfeit the right to grading of the examination and may be subject to further action by the Real Estate Commission.

Applicants who pass the examination must submit an application for licensure within six months after the date of the examination. In case of failure to pass the examination:

- the unsuccessful applicant will be given a written analysis of his or her test results; and
- the unsuccessful applicant must follow reexamination procedures published by the testing service.

Other prerequisites

An applicant must submit proof that he or she:

- is at least eighteen years of age; and
- has been a resident of Tennessee for at least forty-five days.

Applicants for broker's licenses who elect to obtain their real estate education through the Tennessee Realtors' Institute shall remain subject to the "office or brokerage management" course requirements.

All active licensees must carry errors and omissions insurance.

AFFILIATE BROKER QUALIFICATIONS

Education

An applicant for an affiliate broker's license must provide adequate proof that he or she has a high-school degree or a general educational development certificate.

An applicant must provide certification of the satisfactory completion of sixty classroom hours of real estate at a school, college, or university approved by the Real Estate Commission. The sixty hours must include thirty classroom hours covering the basic principles of real estate, including significant instruction in the following areas:

- the real estate business;

- the agency relationship;

- contracts (listings; leases; sales);

- governmental controls on real estate, including the Tennessee Real Estate Broker License Act;

- legal aspects of real estate;

- real estate mathematics;
- real estate valuation;
- real estate finance;
- listing, offer to purchase, and settlement forms;
- Tennessee real estate laws, rules, practice, etc.;
- fair housing; and
- any additional subject that the Commission may require by reasonable written notice to course sponsor and/or instructor.

A candidate for an affiliate broker license is deemed to have completed the sixty hour educational requirement if:

- the candidate has a college or university degree with a major or concentration in real estate and the candidate's transcript shows completion of at least one three hour (thirty or more hours of classroom instruction) course in the principles/fundamentals of real estate and at least two more courses totaling at least sixty hours of classroom instruction in real estate; or
- the candidate has a law degree and his or her transcript evidences successful completion of at least one three hour (thirty or more hours of classroom instruction) course in real property and at least sixty other hours of classroom instruction in contracts and agency.

First-year educational requirements

An applicant must complete thirty hours of education approved by the Real Estate Commission in specified areas including contract writing, handling consumer deposits, listing property, agency disclosures, or other areas designated by the Commission, prior to the issuance of the original license.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

An applicant may be excused from the "uniform principles of real estate" portion of the examination if he or she:

- holds a license in another state and has successfully completed an examination approved by the Tennessee Real Estate Commission; and
- attained on the "uniform principles" portion of such examination at least the minimum passing score requirement.

Annual fees and filings

The fee for the issuance of a license is \$90, plus a \$1.00 fee for deposit in the real estate education and recovery fund. The fee for renewal is \$75.

Applicant investigation

An application for an affiliate broker's license must be accompanied by a sworn statement by the broker with whom the applicant desires to be affiliated certifying that, in the broker's opinion, the applicant is honest and trustworthy, and that the broker will actively supervise and train the applicant during the period the license remains in effect. There is no provision for an independent investigation of this statement.

All applicants for initial licensure must submit a complete set of fingerprints, in a form prescribed by the Commission, to the Commission or to the Tennessee Bureau of Investigation for the purpose of obtaining a criminal background check. A licensee renewing a license or who seeks to obtain a broker license after being licensed as an affiliate broker need not submit fingerprints.

Examinations

Applicants must pass a written examination in order to receive a license; however, passage of the examination is not necessarily qualification for licensure.

The fee for the examination will be set by the vendor that administers the examination. The examination must include business ethics, composition, arithmetic, elementary principles of land economics and appraisal, closing statements, a general knowledge of Tennessee statutes relating to deeds, mortgages, trust deeds, contracts of sale, leases and other related matters, and the provisions of the real estate licensing laws.

The minimum passing score will be determined by the testing vendor that administers the examination.

Any applicant detected cheating during an examination shall forfeit the right to grading of the examination and may be subject to further action by the Real Estate Commission.

Applicants who pass the examination must submit an application for licensure within six months after the date of the examination. In case of failure to pass the examination:

- the unsuccessful applicant will be given a written analysis of his or her test results; and
- the unsuccessful applicant must follow reexamination procedures published by the testing service.

Other prerequisites

An applicant must submit proof that he or she:

- is at least eighteen years of age; and

- has been a resident of Tennessee for at least forty-five days.

Applicants for affiliate broker's or broker's licenses who elect to obtain their real estate education through the Tennessee Realtors' Institute shall remain subject to the "basic principles of real estate" course requirements.

All active licensees must carry errors and omissions insurance.

SALESPERSON OR AGENT QUALIFICATIONS

No relevant provisions were located.

SPECIALIST QUALIFICATIONS

Time-Share Salesperson

An application for a time-share salesperson license must be accompanied by:

- the fee set by the test vendor for the examination, plus a \$100 license fee for examination and license;
- satisfactory proof that the applicant is at least eighteen (18) years of age and a resident of Tennessee;
- a sworn statement by the broker with whom the applicant desires to be affiliated certifying that, in the broker's opinion, the applicant is honest and trustworthy, and that the broker will actively supervise and train the applicant during the period the license remains in effect; and
- certification, by the broker with whom the applicant desires to be affiliated, stating that the applicant has completed a thirty hour training program consisting of instruction in the fundamentals of the Tennessee Time-Share Act, and related topics.

All applicants for initial licensure must submit a complete set of fingerprints, in a form prescribed by the Commission, to the Commission or to the Tennessee Bureau of Investigation for the purpose of obtaining a criminal background check. A licensee renewing a license or who seeks to obtain a broker license after being licensed as an affiliate broker need not submit fingerprints.

The examination for time-share salesperson license shall include the fundamentals of the time-share business, Tennessee Time-Share Act, and other related topics including the parts of the Real Estate Broker Act relative to time-share salespersons.

The minimum passing grade for the time-share salesperson examination is 70 percent.

Acquisition Agent

An application for an acquisition agent license must be accompanied by:

- the fee set by the test vendor for the examination, plus a \$100 license fee for examination and license;
- satisfactory proof that the applicant is at least eighteen (18) years of age; and
- proof that the applicant is of good moral character.

An acquisition agent is required to pass the same written examination as a time-share salesperson. The passing grade is 70 percent.

Vacation lodging designated agent

An applicant for a designated agent license in vacation lodging services must have a high school diploma or GED and eight hours of pre-licensing education in vacation lodging services. The original license fee is \$100; the renewal fee is \$80.

Section 62-13-303 amended 2013; section 62-13-304 amended 2011; regulation 1260-05-.05 amended 1988; regulation 1260-1-.02 amended 1998; regulation 1260-1-.12 amended 2019; regulation 1260-1-.01 amended 2017; regulation 1260-05-.03 amended 2008; regulations 1260-07-

.02, -.06 promulgated 2013; regulation 1260-1-.17 promulgated 2014; regulation 1260-01-.15 amended 2007.

Tenn. Code §§ 62-13-303; -304 (LexisNexis 2019); [Tenn. Comp. R. & Regs. 1260-01-.01; -.02; -.12, -.15, -.17 \(2019\)](#); [1260-05-.03, -.05 \(2019\)](#); [1260-07-.02, -.06 \(2019\)](#)

Texas

Texas, Continuing Education Approval

PROVIDER

General requirements

Any person who wishes to offer courses accepted by the [Real Estate Commission](#) for continuing education credit must apply to the Commission for approval to be continuing education provider and register each course using application forms prepared by the Commission. The applicant must maintain a fixed office in Texas or designate a Texas resident as attorney-in-fact to accept service of process and act as custodian of any records in Texas which the applicant is required to maintain.

The Commission may refuse to accept any application which is not complete or which is not accompanied by the appropriate filing fee.

Approval applications

To be approved as a continuing education provider, a person must satisfy the Real Estate Commission as to the person's ability to administer with honesty, trustworthiness and integrity a course of continuing education in subjects registered with the Commission. If the person proposes to employ another person to manage the applicant's operation, the person named in the application must meet this standard as if the independent contractor were the applicant.

The Commission may request an applicant for approval as a provider or for approval of a course to provide additional information related to the application. The Commission may terminate the application without further notice if the applicant fails to provide the information within 60 days after the request was mailed.

The Commission may disapprove an application for failure to satisfy the Commission as to the applicant's honesty, trustworthiness or integrity, or for any reason which would be a ground to

suspend or revoke a real estate license. If an application is disapproved, the Commission must provide written notice to the applicant detailing the basis of the decision.

The initial approval of a continuing education provider is valid for two years.

Distance learning course approval

"Non-elective real estate courses are designed by the Commission for interactive classroom delivery. Acceptable demonstration of a method to engage distance education delivery students in interactive discussions and group activities, as well as additional material to meet the course objectives and time requirements are required for approval."

A continuing education provider may register an elective course by correspondence with the Commission if:

- the course is offered by a college or university accredited by a regional accrediting association, such as the Commission on Colleges of the Southern Association of Colleges and Schools, or its equivalent, which offers correspondence courses, whether credit or noncredit, in other disciplines;
- the content of the course satisfies the requirements of the law and regulations; and
- the course does not include a request for required legal course credit.

A provider may register an elective course by alternative delivery method with the Commission if:

- the content of the course satisfies the requirements of the law and regulations;
- the course does not include a request for required legal course credit; and

- the provider:
 - ensures that a qualified person is available to answer students' questions or provide assistance as necessary;
 - provides procedures to ensure that the student who completes the work is the student who is enrolled in the course; and
 - certifies students as successfully completing the course only if the student:
 - has completed all instructional modules; and
 - has attended any hours of live instruction and/or testing required for a given course.

The Commission may approve a provider to offer a required course by correspondence if:

- the course is offered by a college or university accredited by a regional accrediting association, such as the Commission on Colleges of the Southern Association of Colleges and Schools, or its equivalent, which offers correspondence courses, whether credit or noncredit, in other disciplines;
- the content of the course satisfies the requirements of the Real Estate Licensing Act and Commission Regulations, and must be substantially similar to the legal courses disseminated and updated by the Commission;
- students receiving credit for the course must pass either:

- a proctored final examination administered under controlled conditions to positively identified students, at a location and by an official approved by the Commission and graded by the instructor or, if the examination is being graded mechanically or by use of a computer, by the provider, using answer keys approved by the instructor or provider; or
- an examination by use of a computer under conditions that satisfy the Commission that the examinee is the same person who seeks credit; and
- written course work required of students is graded by an approved instructor or the provider's coordinator or director, who is available to answer students' questions or provide assistance as necessary, using answer keys approved by the instructor or provider.

The Commission may not prohibit correspondence or alternative delivery courses in real estate inspection offered as continuing education by accredited colleges and universities.

Each required course offered by correspondence must contain the following:

- course description;
- learning objectives;
- evaluation techniques;
- lessons;
- learning activities;
- final examination;

- source materials disseminated by the Commission including all updates; and
- instructor grading guidelines, including acceptable answers for lessons, assessments and examinations.

The Commission may accept required courses offered by alternative delivery method if:

- the content of the course satisfies the requirements of the Real Estate Licensing Act and Commission regulations, and must be substantially similar to the legal courses disseminated and updated by the Commission;
- the course was certified by a distance learning certification center acceptable to the Real Estate Commission;
- an approved instructor or the provider's coordinator/director graded the written course work;
- the provider:
 - ensured that a qualified person was available to answer students' questions or provide assistance as necessary;
 - certified students as successfully completing the course only if the student:
 - completed all instructional modules required to demonstrate mastery of the material;

- attended any hours of live instruction and/or testing required for a given course; and
- passed either: (a) a proctored final examination administered under controlled conditions to positively identified students, at a location and by an official approved by the Commission, which must have been graded by the instructor or, if the examination is being graded mechanically or by use of a computer, by the provider, using answer keys approved by the instructor or provider; or (b) an examination by use of a computer under conditions that satisfy the commission that the examinee is the same person who seeks credit; and
- provided the students with the same materials given to students who attend the same course by live instruction.

Advertising

A provider applicant may not advertise a specific course or represent in advertising that the applicant is a provider until the applicant has received written approval from the Commission and registered at least one course. A provider applicant may advertise its intent to offer courses if no specific course is described and the advertisement clearly indicates the applicant has not been approved as a provider.

A provider may not advertise a course as acceptable for continuing education credit until the provider has received written acknowledgment of registration of the course. A provider may advertise that approval of the course for credit is pending provided that an application has been submitted to the Commission and is awaiting approval.

A provider may not offer a course until the provider has received written acknowledgment of registration of the course.

Any advertisement or promotional material used by a provider must indicate the provider's name or assumed business name as reflected in the Commission's records and the provider number assigned by the Commission. The advertisement or promotional material also must include the specific course numbers and course titles or a statement that course numbers and titles are available from the provider; or, if approval of the course is pending, the course title and a statement that approval is pending. When a provider offers a course that is hosted by another person or organization, the advertisement or promotional material must show clearly that the approved provider is offering the course.

Any written advertisement which contains a fee charged by the provider must display all fees for the course in the same place in the advertisement and with the same prominence. If a provider

requires students to purchase course materials which are not included in the tuition, any such fees must appear in the course advertisement.

Student records

Course completion roster. A provider offering each continuing education course shall file a Course Completion Roster with the Commission within 10 days following completion of the course for licensees who have attended the entire course registered with the Commission. Providers must make every reasonable effort to ensure that no student is certified for full credit who has not attended all class sessions.

Providers shall retain student attendance records for a period of three years following the completion of a course and shall make copies of the records available to former students. A provider may charge a reasonable fee to defray the cost of copying student records. A provider's records must be kept at the location designated in the MCE Provider Application. Providers must obtain prior approval from the Commission to change the location at which the provider's records are kept.

Providers are required to maintain and make available for Commission review instructor and course evaluations for each course. The evaluations will be based on criteria developed by the Commission.

Certificates of completion

Courses approved by the Commission for qualifying real estate course credit may be accepted for satisfying MCE elective credit course requirements if the student files a course completion certificate with the Commission.

Other submissions

The Commission may set and collect reasonable fees to implement the continuing education requirements for license holders.

An educational institution, other than an accredited college or university, authorized by the Commission to offer a real estate educational program or course of study shall maintain a corporate surety bond or other security acceptable to the Commission that is:

- in the amount of \$20,000;

- payable to the Commission; and
- for the benefit of a party who suffers damages caused by the failure of the institution to fulfill obligations related to the Commission's approval.

CONTENT

Elective course approval

An applicant for approval of an elective continuing education course must submit the appropriate course approval form and submit the appropriate fee. A provider may file a single application for a course offered through multiple delivery methods. A fee is required for content review of each course and for each distinct delivery method used by the provider.

To be approved to offer a course for elective credit, the provider must demonstrate that the course subject matter is appropriate for a continuing education course for real estate licensees and that the information provided in the course will be current and accurate by submitting a brief statement that describes the objective of the course and explains how the subject matter is related to activities for which a real estate license is required, including but not limited to relevant issues in the real estate market or topics which increase or support the licensee's development of skill and competence.

An elective credit course must be presented in full hourly units, be at least one hour long with daily presentations no more than ten hours long, and be delivered by one of the following methods:

- classroom delivery;
- distance education delivery; or
- combination of classroom and distance education, if at least fifty percent of the combined course is offered by classroom delivery.

An elective continuing education course expires two years from the date of approval.

Non-elective course approval

Every two years the Commission approves subject matter and course materials to be used for the following non-elective real estate continuing education courses:

- a four-hour Legal Update I: Laws, Rules and forms course;
- a four-hour Legal Update II: Agency, Ethics and Hot Topics course;
- a six-hour broker responsibility course; and
- a four-hour Inspector Legal and Ethics course..

An applicant for approval of a non-elective continuing education course must submit the appropriate course approval form and submit the appropriate fee. A provider may file a single application for a course offered through multiple delivery methods. A fee is required for content review of each course and for each distinct delivery method used by the provider.

A non-elective continuing education course must be delivered by one of the following methods:

- classroom delivery;
- distance education delivery; or

- combination of classroom and distance education, if at least fifty percent of the combined course is offered by classroom delivery.

A legal update course approval expires on December 31 of each odd-numbered year. A broker responsibility course expires on December 31 of each even-numbered year.

MATERIALS

Providers must furnish students with copies, for students' permanent use, of any material which is the basis for a significant portion of the course. Providers offering non-elective courses must provide the students with the materials identified as student course materials. Course materials may be in printed form or electronic media such as a CD-ROM or diskette that the student may access through commonly available software such as common word-processing programs and slide presentation programs. Ample space must be provided on handouts for note taking or completion of any written exercises. Any fees for supplies, materials, or books needed in course work, must be itemized in a written statement provided to each student before course registration.

INSTRUCTOR QUALIFICATIONS

Effective September 2, 2019, instructors no longer need to be certified by the Commission, but the Commission retains the ability to maintain qualifications and standards of instructors and TREC approved courses.

A CE provider must use an instructor that:

- is currently qualified under rule § 535.74; and
- has expertise in the subject area of instruction and ability as an instructor;

A provider must ensure that an instructor who teaches continuing education courses is competent in the subject matter to be taught and has the ability to teach effectively. The provider must use an instructor who possesses the following additional qualifications to teach real estate non-elective CE courses:

- meet the criteria to teach qualifying courses under §535.63 of this chapter;
- successfully complete an instructor training program authorized by the Commission for the version of the non-elective CE course to be taught; and
- receive a passing grade of at least 80% on the non-elective CE course final examination promulgated by the Commission.

Guest speakers

A provider may use as guest speakers persons who have not been approved as instructors, provided that no more than a total of 50 percent of the course is taught by the unapproved persons for a registered elective credit course. The approved instructor must remain in the classroom during the guest speaker's presentation. A provider may use guest speakers who have not been approved as instructors to conduct 100 percent of a registered elective credit course if:

- the provider is an accredited college or university or a professional trade association approved by the Commission as a CE provider under rule § 535.71, or an entity exempt under § 535.71; and
- the course is supervised and coordinated by a Commission-approved instructor who is responsible for verifying the attendance of all who request credit.

PRIOR APPROVAL REQUIREMENTS

Approval timing

Applications for approval must be submitted prior to the course.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

Examinations for elective courses are only required for courses offered through distance education delivery and must comply with the requirements in rule § 535.72(i)(1)(B) and have a minimum of four questions per course credit hour.

A provider must administer a final examination promulgated by the Commission for non-elective continuing education courses beginning January 1, 2017 as follows:

- for classroom delivery, the examination is given as a part of class instruction with the correct answers being reviewed by the instructor, and students will not be graded;
- for distance education delivery, the exam will be given after completion of regular course work and must be: (i) proctored by a member of the provider faculty or staff, or third-party proctor who is present at the test site and has positively identified that the student taking the examination is the student registered for and who took the course, or administered using a computer under conditions that satisfy the Commission; (iii) graded with a pass rate of seventy percent in order for a student to receive credit for the course; and (iv) kept confidential.

A provider may not give credit to a student who fails a final exam and the one permitted subsequent final examination. A student must complete a subsequent final examination no later than the 30th day after the date the original class concludes. The subsequent exam must be different from the first exam. A student who fails the subsequent final course examination is required to retake the course and the exam.

Proctors

Except for the requirement that certain examinations for non-elective distance learning courses be proctored, no requirements were located.

Sections 1101.455 amended 2015; §§ 1101.152 and 1101.301 amended 2019; §1101.302 amended 2007; regulation 535.50 amended 2011; rr. 535.73, .92 amended 2016; rr 535.71, .72, amended 2017; rr. 535.74, .75 amended 2019.

[Tex. Occ. Code §§ 1101.152, .301, .302, .455 \(2019\); 22 Tex. Admin. Code §§ 535.50, .71, .72, .73, .74, .75, .92 \(2019\)](#)

Texas, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

A broker who qualified for an exemption from continuing education requirements before October 31, 1991 is not required to comply with the mandatory continuing education requirements to renew the broker's license.

A licensee on active duty in the United States armed forces serving outside of Texas may renew an expired license without being subject to any education or experience requirements or examination if the licensee:

- provides a copy of official orders or other official documentation acceptable to the Real Estate Commission showing that the licensee was on active duty outside the state during the licensee's last renewal period;
- applies for the renewal within 90 days after the licensee's active duty ends; and
- pays the renewal application fee in effect when the previous license expired.

Education requirements that would have been imposed for a timely renewal shall be deferred under this provision to the next renewal of the license.

Required hours

A license holder must attend at least eighteen classroom hours of continuing education courses approved by the Commission during the two-year term of the current license.

Credit will not be given for attendance of the same course more than once during the term of the current license or during the two-year period preceding the filing of an application for late renewal or return to active status.

Minimum class length

Daily classroom course segments must be at least one hour and not more than ten hours. An "hour" is defined as fifty minutes of actual session time.

Subjects

The eighteen hours of continuing education must include:

- a four-hour Legal Update I: Laws, Rules and Forms course;
- a four-hour Legal Update II: Agency, Ethics and Hot Topics course; and
- for a designated broker for a business entity that sponsors one or more sales agent at any time during the designated broker's current license period, a broker who sponsors one or more sales agent, or a license holder who supervises another license holder for a period of six months or more during the supervisor's current license period, six classroom hours of Commission-approved broker responsibility courses in each license term.

Courses approved by the Commission for qualifying real estate course credit for licensure may be accepted for satisfying continuing education elective credit course requirements provided the student files a course completion certificate with the Commission.

Qualifying real estate courses must be at least thirty classroom hours in length to be accepted for continuing education elective credit.

A licensee may receive up to four hours of continuing education elective course credit per license period for in-person attendance at a February Commission meeting.

Instructors may receive continuing education credit for real estate qualifying courses for those segments that the instructor teaches and may receive full course credit by attending any segment he or she did not teach.

A course taken by a Texas licensee to satisfy continuing education requirements of another state may be approved on an individual basis for elective credit in Texas upon the Commission's determination that:

- the Texas licensee held an active real estate license in the other state at the time the course was taken;
- the course was approved for continuing education credit for a real estate license by the other state and, if a correspondence course, was offered by an accredited college or university;
- the Texas licensee's successful completion of the course is evidenced by a course completion certificate, a letter from the provider or such other proof as is satisfactory to the Commission;
- the subject matter of the course was predominately devoted to a subject acceptable for continuing education credit in Texas; and
- the Texas licensee has filed Credit Request for an Out of State Course form with the Commission.

To request elective credit for real estate-related courses approved by the State Bar of Texas for minimum continuing legal education participatory credit, a licensee must file an Individual Credit Request for State Bar Course form.

Attendance requirements

Each licensee attending all sessions of a course must sign the course completion roster and provide the information required for each licensee on the form. A real estate licensee may receive partial credit for partial attendance at an elective credit course if the provider permits partial credit and if the provider and student verify attendance on an Individual MCE Partial Credit Request Form. A false statement to the Commission concerning attendance at continuing education course will be deemed a violation of the Real Estate License Act and regulations.

Providers must make every reasonable effort to ensure that no student is given course credit if the student persists in disrupting the orderly conduct of a class after being cautioned by the provider or the instructor to cease disruptive behavior.

Online classes

In a distance learning online course, is not deemed complete until credit is awarded. "The provider shall award course credit no earlier than twenty-four hours after the student starts the course and after the student completes the course requirements for credit."

Other requirements

A course taken by a licensee to obtain any of the following professional designations, or any other real estate related professional designation course deemed worthy by the Commission, may be approved on an individual basis for elective credit if the licensee files for credit for the course using an Individual Elective Credit Request for Professional Designation Course form and provides the Commission with a copy of the course completion certificate.

- ABR–Accredited Buyer Representative

- CRE–Counselor in Real Estate

- CPM–Certified Property Manager

- CCIM–Certified Commercial-Investment Member

- CRB–Certified Residential Broker

- CRS–Certified Residential Specialist
- GRI–Graduate, Realtor Institute
- IREM–Institute of Real Estate Management
- SIOR–Society of Industrial and Office Realtors

ASSOCIATE (OR OTHER) BROKER REQUIREMENTS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON OR AGENT REQUIREMENTS

All real estate licensees, except for a sales agent renewing his or her license for the first time, are required to meet the same continuing education requirements (see "BROKER REQUIREMENTS" above), except that a sales agent need not take the six-hour broker responsibility course as part of the eighteen-hour CE requirement.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section 1101.458 amended 2015; § 1101.456 added 2003; § 1101.455 amended 2015; § 1101.457 amended 2007; regulation 535.50 added 2011; r. 535.92 amended 2015; rr. 535.71, .72 amended 2017.

[Tex. Occ. Code § 1101.455; .456; .457, .458 \(2019\); Tex. Admin. Code §§ 535.50; .71, .72, .92 \(2019\)](#)

[Texas, Licensing Categories](#)

BROKER

A person who, in exchange for a Commission or other valuable consideration or with the expectation of receiving a Commission or other valuable consideration, performs for another person one of the following acts:

- sells, exchanges, purchases, or leases real estate;
- offers to sell, exchange, purchase, or lease real estate;
- negotiates or attempts to negotiate the listing, sale, exchange, purchase, or lease of real estate;
- lists or offers, attempts, or agrees to list real estate for sale, lease, or exchange;
- until September 1, 2011, appraises or offers, attempts, or agrees to appraise real estate;
- auctions or offers, attempts, or agrees to auction real estate;
- deals in options on real estate, including a lease to purchase or buying, selling, or offering to buy or sell options on real estate;
- aids or offers or attempts to aid in locating or obtaining real estate for purchase or lease;
- procures or assists in procuring a prospect to effect the sale, exchange, or lease of real estate; or
- procures or assists in procuring property to effect the sale, exchange, or lease of real estate;

- controls the acceptance or deposit of rent from a resident of a single-family residential real property unit; or

- provides a written analysis, opinion, or conclusion relating to the estimated price of real property if the analysis, opinion, or conclusion:
 - is not referred to as an appraisal;

 - is provided in the ordinary course of the person's business; and

 - is related to the actual or potential management, acquisition, disposition, or encumbrance of an interest in real property; or

 - advises an owner concerning the negotiation or completion of a short sale; and

- includes a person who:
 - is employed by or for an owner of real estate to sell any portion of the real estate; or

 - engages in the business of charging an advance fee or contracting to collect a fee under a contract that requires the person primarily to promote the sale of real estate by:
 - listing the real estate in a publication primarily used for listing real estate; or

 - referring information about the real estate to brokers.

ASSOCIATE [OR OTHER] BROKER

No relevant provisions were located.

SALESPERSON OR AGENT

A person who is sponsored by a licensed broker for the purpose of performing one of the acts engaged in by real estate brokers is a sales agent.

SPECIALIST CATEGORIES

Certificate Holder (Easement or Right-of-Way Agents)

A person who holds a certificate to sell, buy, lease, or transfer an easement or right-of-way for another, for compensation or with the expectation of receiving compensation, for use in connection with telecommunication, utility, railroad, or pipeline service.

Section 1101.002 amended 2015.

[Tex. Occ. Code § 1101.002 \(2019\)](#)

Texas, Licensing Exemptions

Real estate licensing laws do not apply to:

- an attorney licensed in any Texas, but an attorney cannot sponsor real estate salespersons or serve as the designated officer or manager of a licensed corporation or limited liability company unless the attorney is also licensed as a real estate broker. This provision is not a waiver of the standards of eligibility and qualification established elsewhere;
- a person holding a valid power of attorney recorded in the county in which the particular real property is located and which specifically describes the real property acting as a real estate agent for the owner of such property without being licensed as a real estate broker or sales agent, provided the person does not use powers of attorney to engage in more than three real estate transactions per calendar year;
- a public official while engaged in official duties;

- a licensed auctioneer while conducting the sale of real estate by auction if the auctioneer does not perform another act of a broker;
- a person conducting a real estate transaction under a court order or the authority of a will or written trust instrument;
- a person other than an independent contractor employed and directly compensated by an owner in the sale of structures and land on which structures are located if the structures are erected by the owner in the course of the owner's business;
- an on-site manager of an apartment complex;
- an owner or the owner's employee who leases the owner's improved or unimproved real estate;
- until September 1, 2011, a partnership or limited liability partnership acting as a broker or salesperson through a partner who is a licensed broker; or
- a transaction involving:
 - the sale, lease, or transfer of a mineral or mining interest in real property;
 - the sale, lease, or transfer of a cemetery lot;
 - the lease or management of a hotel or motel; or
 - the sale of real property under a power of sale conferred by a deed of trust or other contract lien.

A person may invest in real estate or contract to purchase real estate and then sell it or offer to sell it without having a real estate license. A license is not required for a person to buy or sell real property only for the person's own account.

A person who owns property jointly may sell and convey title to his or her interest in the property, but the person must be licensed to act for compensation as an agent for the other owner unless otherwise exempted.

"A real estate license is not required for an individual employed by a business entity for the purpose of buying, selling, or leasing real property for the entity. An entity is considered to be an owner if it holds record title to the property or has an equitable title or right acquired by contract with the record title holder. An individual employed by a business entity means a person employed and directly compensated by the business entity. An independent contractor is not an employee."

An agreement or right-of-way registration is not required for an individual employed by an owner or purchaser for the purpose of selling, buying, leasing or transferring an easement or right-of-way for the owner. An "owner" is a person holding an interest in or wishing to acquire an easement or right-of-way or having an equitable title or right acquired by contract with the record holder.

Section 1101.005 amended 2015; regulations amended 2015.; r. 535.5 amended 2017.

[Tex. Occ. Code § 1101.005 \(2019\); 22 Tex. Admin. Code §§ 535.5; .31; .32; .34, .405 \(2019\)](#)

Texas, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

An applicant for a broker license must successfully complete:

- the 270 hours of qualifying real estate courses required for a sales agent license (i.e., 180 pre-license hours and 90 hours during first year of licensure), which must include the thirty-hour qualifying real estate brokerage course completed not more than two years before the application date; and

- an additional 630 classroom hours in related qualifying courses from one or more of the following categories: (a) courses in the subject matter defined in 22 Tex. Admin. Code § 535.64; (b) approved continuing education courses; or (c) courses taken for credit from an accredited college or university in any of the following areas: accounting, advertising, architecture, business or management, construction, finance, investments, law, marketing, and real estate.

See [22 Tex. Admin. Code § 535.64](#) for detailed descriptions of mandatory and elective qualifying real estate courses acceptable to the Commission.

The following persons may submit real estate qualifying courses for approval for credit without becoming an approved provider of qualifying courses:

- a person approved by a real estate regulatory agency to offer qualifying real estate courses in another jurisdiction;
- an accredited college or university in accordance with 22 Tex. Admin. Code § 535.66;
- a post-secondary educational institution established in and offering qualifying real estate courses in another state;
- a United States Armed Forces Institute; or
- a nationally recognized professional designation institute or council in the real estate industry.

Service in "lower" category

Applicants for a broker's license must have four years of active experience as a broker or sales agent in Texas during the five years preceding the application filing date. An applicant must have accumulated at least 3600 points of qualifying practical experience during that period, according to the formula set forth in regulation 535.56(c).

Waiver of qualifications for some professionals

The [Texas Real Estate Commission](#) may waive education and experience required for a real estate broker license if the applicant:

- was licensed as a Texas real estate broker within two years prior to application filing;
- has completed at least the required hours of mandatory continuing education courses within the two-year period prior to filing an application for an active license, including all applicable current non-elective courses; and
- has at least two years of active experience as a licensed broker or sales agent during the four-year period prior to filing the application.

A broker applicant who has a bachelor's degree or higher from an accredited college or university is deemed to have satisfied the related qualifying education requirements for a broker license.

A person licensed in another state may derive the required four years' experience from periods in which the person was licensed in one or more states.

Annual fees and filings

The Real Estate Commission charges an additional \$20 for any filing made on paper if that filing could have been made electronically. The original application filing fee, for an individual broker is \$305. A supplemental \$27 background check fee and \$37 fingerprint fee is also due. A one-time Real Estate Recovery Trust Account fee of \$10 must be paid at the time of application.

The biennial fee for renewal is \$217.00.

A \$70 fee to fund the Texas Real Estate Research Center is payable with the original license application and at the time of renewal.

A broker must provide to the Real Estate Commission proof of compliance with the continuing education requirements in order to renew his or her license.

Each applicant for license renewal must disclose in the license application whether the applicant has:

- entered a plea of guilty or nolo contendere to a felony; or
- been convicted of a felony and the time for appeal has elapsed or the judgment or conviction has been affirmed on appeal.

Applicant investigation

An applicant must satisfy the Commission as to the applicant's honesty, trustworthiness, and integrity. Each applicant for a license renewal must disclose in the license application whether the applicant has:

- entered a plea of guilty or nolo contendere to a felony; or
- been convicted of a felony and the time for appeal has elapsed or the judgment or conviction has been affirmed on appeal.

The disclosure requirement applies even if an order has granted community supervision suspending the imposition of sentence.

An applicant may request that the Real Estate Commission determine whether the person's moral character complies with the Commission's moral character requirements for licensing. If a person applies for a license after receiving notice of a determination, the Commission may conduct a supplemental moral character determination of the person. The supplemental determination may cover only the period after the date the person requests a moral character determination.

An applicant for a license or the renewal of an unexpired license must submit a complete and legible set of fingerprints, on a form prescribed by the Real Estate Commission for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

The Department of Public Safety may collect from each applicant the costs incurred by the Department in conducting the criminal history check. The Real Estate Commission considers that a deferred adjudication deemed a conviction or a conviction of any of the following felonies or misdemeanors to be criminal offenses which may be directly related to the duties and responsibilities of the occupation of real estate broker for the reason that the commission of these offenses tends to demonstrate inability to represent the interest of another with honesty, trustworthiness and integrity:

- offenses involving fraud or misrepresentation;
- offenses involving forgery, falsification of records, or perjury;
- offenses involving the taking of bribes, kickbacks, or other illegal compensation;
- offenses against real or personal property belonging to another, if committed knowingly or intentionally;
- offenses against public administration;
- offenses involving the sale or other disposition of real or personal property belonging to another without authorization of law;
- offenses against the person;
- offenses involving moral turpitude;
- offenses in violation of chapter 21 of the Penal Code (sex offenses), or offenses for which the person is required to register as a sex offender;

- offenses involving the aiding or abetting of any listed offense;
- offenses of attempting or conspiring to commit any of the foregoing offenses;
- DWI or DUI felony offenses;
- multiple violations of any criminal statute; and
- any other offenses deemed by the Commission to relate to an occupation regulated by the Real Estate Commission.

In determining whether a criminal offense is directly related to an occupation, the Commission shall consider and make appropriate findings of fact in a contested case upon the following factors:

- the nature and seriousness of the crime;
- the relationship of the crime to the purposes for requiring a license to engage in the occupation;
- the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and
- the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the licensed occupation.

In addition to the other factors that may be considered, the Commission, in determining the present fitness of a person who has been convicted of a crime, shall consider the following evidence:

- the extent and nature of the person's past criminal activity;
- the age of the person at the time of the Commission of the crime;
- the amount of time that has elapsed since the person's last criminal activity;
- the conduct and work activity of the person prior to and following the criminal activity;
- evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release;
- the person's compliance with the court-ordered terms and conditions while on parole, supervised release, probation, or community supervision;
- the person's repeated offenses over a period of time which tend to demonstrate a lack of respect for, disregard for, or apparent inability to comply with, the law;
- evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release
- the time remaining, if any, on the person's term of parole, supervised release, probation, or community supervision; and
- other evidence of the person's present fitness, including letters of recommendation from: prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the person, the sheriff and chief of police in the community where the person resides, and any other persons in contact with the convicted person.

It is the responsibility of the applicant to the extent possible to secure and provide to the Commission the recommendations of the prosecution, law enforcement, and correctional authorities. The applicant must also furnish proof in such form as may be required by the Commission that he or she has maintained a record of steady employment and has supported his or her dependents and has otherwise maintained a record of good conduct and has paid all outstanding court costs, supervision fees, fines, and restitution as may have been ordered in all criminal cases in which he or she has been convicted. If the applicant submits a character reference from a prospective sponsor, the reference must confirm that the sponsor knew about the prior criminal offense.

An applicant may request that the Commission evaluate the person's eligibility for a license by:

- submitting a request for a criminal history evaluation letter on a form approved by the Commission; and
- paying the required fee.

Examinations

The examination must be of sufficient scope in the judgment of the Real Estate Commission to determine whether a person is competent to act as a broker in a manner that will protect the public. The examination for a broker license must be more exacting and stringent than the salesperson examination.

The Commission shall provide each applicant with study material and references on which the examination is based.

The examination requirement must be satisfied not later than one year after the application is filed.

The Commission contracts with a testing service to administer the examination. The Commission may require the service to:

- correspond directly with license applicants regarding the administration of the examination;

- collect fees directly from applicants for administering the examination; or
- administer the examination at specific locations and specified frequencies. An examinee who wishes to observe a religious holy day on which the person's religious beliefs prevent the person from taking an examination may take the examination scheduled on that religious holy day on an alternate date.

To pass the examination, an applicant must attain a passing score in each section of the examination.

Not later than the thirtieth day after the date an examination is administered, the Commission shall notify each examinee of the results of the examination. If requested in writing by a person who fails an examination, the Commission shall provide to the person an analysis of the person's performance on the examination.

An applicant who fails an examination may apply for reexamination by filing a request accompanied by the proper fee.

Other prerequisites

At the time of the application, an applicant must be:

- at least 18 years of age; and
- a citizen of the United States or a lawfully admitted alien.

A nonresident applicant for a license who resides in a municipality whose boundary is contiguous at any point with the boundary of a municipality in Texas is eligible to be licensed in the same manner as a resident of Texas if the nonresident has been a resident of that municipality for at least the 60 days preceding the date the application is filed. In addition, a resident of another state who is not a licensed real estate broker and who was formerly licensed in Texas as a broker or salesperson may apply for a license not later than the first anniversary of the date of the expiration of the former license.

Corporate licensees

To qualify for, maintain or renew a license, a business entity must designate an individual holding an

active Texas real estate broker license in good standing with the Commission to act for it. The designated broker must be a managing officer of the business entity.

A corporation or other business entity must provide proof that it maintains errors and omissions insurance with a minimum annual limit of \$1 million per occurrence if the designated broker owns less than ten percent of the entity.

ASSOCIATE (OR OTHER) BROKER QUALIFICATIONS

No relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALES AGENT QUALIFICATIONS

Except as noted below, the requirements for a sales agent's license are the same as the requirements for a broker's license (see "BROKER REQUIREMENTS" above).

Education

An applicant must provide to the Real Estate Commission satisfactory evidence that he or she has completed at least 180 hours of qualifying real estate courses, as follows:

- 60 hours of Principles of Real Estate;
- 30 hours of Law of Agency;
- 30 hours of Law of Contracts;
- 30 hours of Promulgated Contracts Forms; and
- 30 hours of Real Estate Finance.

Qualifying courses are the same as those for broker licensure (see "BROKER REQUIREMENTS" above). The Commission will waive the education requirements if the applicant has been licensed in Texas as a broker or sales agent within two years preceding the date the application is filed.

First-year educational requirements

An applicant applying for the first renewal of a sales agent license must provide to the Commission satisfactory evidence of completion of an additional 90 classroom hours of qualifying real estate courses.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

The Commission may waive the education requirements for an applicant who has held a Texas broker's or sales agent license within the past two years, and who has completed any qualifying real estate courses or real estate related courses which would have been required for a timely renewal of the prior license, or if the renewal of the prior license was not subject to the completion of qualifying real estate courses or real estate related courses, the applicant must have completed at least the required number of hours of mandatory continuing education courses within the two-year period prior to the filing of an application for an active license.

Annual fees and filings

The Real Estate Commission charges an additional \$20 for any filing made on paper if that filing could have been made electronically. A background check fee of \$27, a fingerprint fee of \$37 and a one-time Real Estate Recovery Trust Account fee of \$10 are also due upon application.

The original application fee is \$205 for a two-year license.

The biennial fee for renewal is \$110.

A \$20 fee to fund the Texas Real Estate Research Center is payable with the original license application and at the time of renewal.

A salesperson must provide to the Real Estate Commission proof of compliance with the continuing education requirements in order to renew his or her license.

Examinations

See "BROKER REQUIREMENTS" above. The examination for a salesperson license must be less exacting and less stringent than the broker examination.

The Real Estate Commission may waive the national portion of the examination of an applicant for a salesperson license if the applicant maintains a license equivalent to the license being applied for and has passed a comparable national examination accredited or certified by a nationally recognized real estate regulator association.

SPECIALIST QUALIFICATIONS

Certificate Holder (Easement or Right-of-Way Agent)

To be eligible to receive a certificate, a person must:

- be at least 18 years of age, even if the applicant has had the disabilities of minority removed;
- meet the honesty, trustworthiness and integrity requirements of the licensing law; and
- be a citizen of the United States or a lawfully admitted alien.

To be eligible to receive a certificate of registration or a renewal certificate, a corporation, limited liability company, partnership, limited liability partnership, or other entity must designate as its agent one of its officers, partners, or managers who is a certificate holder.

An applicant for an original certificate of registration must undergo fingerprinting for purposes of a criminal background check.

The Real Estate Commission shall issue a certificate of registration to an applicant who meets the requirements for a certificate of registration. A registration is valid until the last day of the month one year from the day the registration was issued. The original registration fee for an individual is \$290, which includes the \$50 recovery fund fee.

The biennial renewal fee is \$295, which includes the \$50 recovery fund fee.

A \$72 fee to fund the Texas Real Estate Research Center is payable with the original license application and at the time of renewal.

Section 54.002 added 1999; §§ 1101.361, 1101.403, 1101.503 added 2003; § 1101.151 amended 2007; §§ 1101.452, 1101.502 amended 2011; all other sections amended 2015; regulations 535.55, 535.101 amended 2016; rr. 535.32, .62, .400 amended 2015; rr. 535.132, 541.2 amended 2014; rr. 535.53, .56, .61, .63 .64, .91 amended 2017; r. 541.1 amended 2018.

[Tex. Occ. Code §§ 54.002, 1101.003, .151, .154, .351, .352, .3521, .353, .354, .355, .356, .357, .358, .360, .361, .362, .401, .403, .404, .405, .452, .454, .455, .502, .503, .5041 \(2017\); 22 Tex. Admin. Code §§ 535.54, .55, .56, .61, .62, .63, .91, .101, .132, .400; 541.1, .2 \(2018\); Fee Schedule \(last visited Nov, 30, 2018\)](#)

Utah

Utah, Continuing Education Approval

PROVIDER

General requirements

Prior to offering real estate prelicensing or continuing education, a school must obtain approval of the school name and certify the school with the Real Estate Division.

Continuing education providers who provide education courses specifically tailored for, or marketed to, Utah real estate licensees, and who intend that real estate licensees shall receive continuing education credit for such courses, are required to apply to the Real Estate Division for course certification prior to the courses being taught at least 30 days prior to the class. The Division will not grant continuing education credit to students who have taken courses that have not been certified by the Division in advance of the courses being taught to students

Approved providers may include accredited colleges and universities, public or private vocational schools, national and state real estate related professional societies and organizations, real estate boards, and proprietary schools or instructors.

School certification

At least 90 days prior to teaching any course, a school must supply the following information to the Division:

- contact information for the physical facility, each school director and each school owner;
- evidence that the school owners and directors meet character and competency requirements;
- evidence that the school name is registered with the Division of Corporations and Commercial Code;
- the school description;
- a list of courses to be offered;
- a list of instructors, including any guest lecturers, who will teach each course;
- proof that each instructor has been certified by the Division and that each guest lecturer is qualified and approved by the Division;
- a schedule of courses;
- a statement of attendance requirements and refund policy as provided to students;
- a criminal history disclosure statement;

- a disclosure of any possibility of obtaining an education waiver as provided to students;
- a course completion policy, as provided to students; and
- a disclaimer that students need not affiliate with any brokerages that may be soliciting for licensees at the school, as provided to students.

A school certification expires after 24 months and may be renewed.

Course approval applications

Application for approval must include the following information:

- name and contact information of the sponsor of the course, and the name of the entity through which the course will be offered;
- a description of the physical facility in which the course will be taught;
- the title of the course offering including a description of the type of training; for example, seminar, conference, correspondence course, or similar offering;
- the proposed number of credit hours;
- a statement of how the course will meet the objectives of continuing education;

- a copy of the course curriculum including a course outline of the comprehensive subject matter;
- a minimum of three learning objectives for every three hours of class time;
- copies of all materials to be distributed to the participants;
- the date, time and locations of each course;
- the procedure for pre-registration, the tuition or registration fee and a copy of the cancellation and refund policy;
- except for courses approved for specific distance education delivery, the procedure for taking and maintaining control of attendance during class time, which procedure shall be more extensive than having the student sign a class roll;
- the name and certification number of each instructor who will be teaching the course;
- a signed statement agreeing to allow the course to be randomly audited on an unannounced basis by the Division or its representative;
- a signed statement agreeing not to market personal sales product; and
- a signed statement agreeing to upload course information to the Division within ten days of the completion of the course.

Distance learning course approval

A sponsor who seeks approval of a distance learning course must submit the material listed above, and must also do the following:

- submit a complete description of all course delivery methods and all media to be used to the Real Estate Division;
- provide course access for the Division using the same delivery methods and media that will be provided to the students;
- describe specific and regularly scheduled interactive events included in the course and appropriate to the delivery method that will contribute to the students' achievement of the stated learning objectives;
- describe how and when certified instructors will be available to answer student questions; and
- provide an attestation from the sponsor of the availability and adequacy of the equipment, software, and other technologies needed to achieve the course's instructional claims.

Advertising

A course sponsor may not advertise or market a continuing education course where continuing education credit will be offered or provided unless the course:

- is approved and has been issued a current continuing education course certification number; and
- is advertised with the continuing education course certification number displayed in all advertising materials.

A course sponsor may not advertise, market, or promote a continuing education course with language indicating that Real Estate Division continuing education course approval is "pending" or otherwise forthcoming.

Student records

All course providers shall upload to the Real Estate Division's data base the name of the course, the certificate number assigned to the course by the Division, the date the course was taught, the number of credit hours and the names and license numbers of all students who successfully completed the course. The upload shall be done within ten days of the termination of the course.

If a course provider is unable to upload a student's continuing education credit because the student has failed to furnish an accurate name and/or license number, the course provider is not responsible for providing the student's information.

Certificates of completion

Upon completion of the educational program the course sponsor shall provide a certificate of completion in the form required by the Division.

Other submissions

A real estate school shall obtain approval of the name under which it intends to provide continuing education courses prior to registering that name with the Division of Corporations of the Department of Commerce as a real estate education provider.

CONTENT

The Division will certify courses based on their intellectual and practical content, and on whether the course increases licensees' knowledge, professionalism, and ability to protect and serve the public.

Courses in the following subjects may be certified as "core courses":

- state approved forms/contracts;
- other industry used forms or contracts;

- ethics;
- agency;
- short sales or bank-owned property sales;
- environmental hazards;
- property management;
- prevention of real estate and mortgage fraud;
- federal and state real estate laws and administrative rules; and
- broker trust accounts.

Elective course subjects may include the following:

- real estate financing, including mortgages and other financing techniques;
- real estate investments;
- real estate market measures and evaluation;
- market analysis;

- measurement of homes or buildings;
- real estate appraising;
- accounting and taxation as applied to real property;
- estate building and portfolio management for clients;
- settlement statements;
- real estate mathematics;
- real estate law;
- contract law;
- agency and subagency;
- real estate securities and syndications;
- regulation and management of timeshares, condominiums and cooperatives;
- resort and recreational properties;

- farm and ranch properties;
- real property exchanging;
- legislative issues that affect real estate practice;
- real estate license law and administrative rules;
- land development;
- land use;
- planning and zoning;
- construction;
- energy conservation in buildings;
- water rights;
- landlord/tenant relationships;
- property disclosure forms;
- fair housing;

- affirmative marketing;
- Americans with Disabilities Act;
- commercial real estate;
- tenancy in common;
- professional development;
- business success;
- customer relation skills;
- sales promotion, including:
 - salesmanship;
 - negotiation;
 - sales psychology;
 - marketing techniques related to real estate knowledge;

- servicing clients; and
- communication skills;
- personal and property protection for licensees and their clients;
- any topic that focuses on real estate concepts, principles, or industry practices or procedures, if the topic enhances licensee professional skills and advances public protection and safety; and
- any other topic that directly relates to the real estate brokerage practice and directly contributes to the objective of continuing education.

Unacceptable topics include the following:

- offerings in mechanical office and business skills, including:
 - typing;
 - speed reading;
 - memory improvement;
 - language report writing;
 - advertising; and

- technology courses with a principal focus on technology operation, software design, or software use;

- physical well-being, including:
 - personal motivation;

 - stress management; and

 - dress-for-success;

- meetings held in conjunction with the general business of the licensee and the licensee's broker, employer, or trade organization, including:
 - sales meetings;

 - in-house staff meetings or training meetings; and

 - member orientations for professional organizations;

- courses in wealth creation or retirement planning for licensees; and

- courses that are specifically designed for exam preparation.

If an application for certification of a continuing education course is denied, the person making application may appeal to the Real Estate Commission.

MATERIALS

Copies of the materials to be used in teaching the course are to be submitted with the application for course approval.

INSTRUCTOR QUALIFICATIONS

Instructors for continuing education purposes will be evaluated and approved separately from the continuing education courses. All instructors must apply for certification from the Real Estate Division not less than thirty days prior to the anticipated date of the first class that they intend to teach.

The instructor applicant must submit proof of the following:

- a minimum educational level of graduation from high school, or its equivalent;
- evidence that the applicant understands the subject matter to be taught through:
 - a minimum of two years of full-time experience as a real estate licensee;
 - college-level education related to the course subject; or
 - demonstrated expertise on the subject proposed to be taught;
- evidence of ability to teach through:
 - a minimum of twelve months of full-time teaching experience; or
 - part-time teaching experience equivalent to twelve months of full-time teaching experience;

- a signed statement agreeing to allow the instructor's courses to be randomly audited on an unannounced basis by the Real Estate Division or its representative;
- a signed statement agreeing not to market personal sales products;
- any other information the Division requires; and
- a nonrefundable application fee.

An original continuing education instructor certification expires two years after issuance. Instructor certifications may be renewed by submitting a properly completed application for renewal prior to the expiration of the instructor's current certification, using the form and paying the fee required by the Real Estate Division.

PRIOR APPROVAL REQUIREMENTS

Approval timing

An applicant shall apply for consideration of certification of a course to the Division of Real Estate not less than thirty days prior to the anticipated date of the first class.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

No credit may be given to a course attendee who does not successfully complete a final examination.

Proctors

No relevant provisions were located.

Section 61-2f-206 amended 2017; regulatory chapter amended 2019.

[Utah Code § 61-2f-206 \(2019\); Utah Admin. Code R162-2f-206c, -206e, -401d \(2019\)](#)

Utah, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

The Real Estate Commission, with concurrence of the Real Estate Division, may exempt a licensee from the continuing education requirement for a period not to exceed four years:

- upon a finding of reasonable cause, including military service, or if an individual is elected or appointed to government service, the individual's government service during which the individual spends a substantial time addressing real estate issues; and
- under conditions established by rule made in accordance with the Utah Administrative Rulemaking Act.

Required hours

As a condition of license renewal, each active licensee must complete eighteen hours of professional education approved by the Real Estate Division and Real Estate Commission within each two-year renewal period.

Minimum class length

The minimum length of a course is one credit hour.

Subjects

At least nine hours must be in non-duplicative "core course" curricula. Courses in the following subjects may be certified as "core courses":

- state approved forms/contracts;
- other industry used forms or contracts;
- ethics;
- agency;
- short sales or bank-owned property sales;
- environmental hazards;
- property management;
- prevention of real estate and mortgage fraud;
- federal and state real estate laws and administrative rules;
- broker trust accounts;
- water law, rights and transfer.

Elective course subjects may include the following:

- real estate financing, including mortgages and other financing techniques;

- real estate investments;
- real estate market measures and evaluation;
- market analysis;
- measurement of homes or buildings;
- real estate appraising;
- accounting and taxation as applied to real property;
- estate building and portfolio management for clients;
- settlement statements;
- real estate mathematics;
- real estate law;
- contract law;
- agency and subagency;

- real estate securities and syndications;
- regulation and management of timeshares, condominiums and cooperatives;
- resort and recreational properties;
- farm and ranch properties;
- real property exchanging;
- legislative issues that affect real estate practice;
- real estate license law and administrative rules;
- land development;
- land use;
- planning and zoning;
- construction;
- energy conservation in buildings;
- water rights;

- landlord/tenant relationships;
- property disclosure forms;
- fair housing;
- affirmative marketing;
- Americans with Disabilities Act;
- commercial real estate;
- tenancy in common;
- professional development;
- business success;
- customer relation skills;
- sales promotion, including:
 - salesmanship;

- negotiation;
 - sales psychology;
 - marketing techniques related to real estate knowledge;
 - servicing clients; and
 - communication skills;
-
- personal and property protection for licensees and their clients;
 - any topic that focuses on real estate concepts, principles, or industry practices or procedures, if the topic enhances licensee professional skills and advances public protection and safety;
 - technology courses that utilize the majority of time instructing how the technology directly benefits consumers or enables the licensee to be more proficient in performing his or her agency responsibilities; and
 - any other topic that directly relates to the real estate brokerage practice and directly contributes to the objective of continuing education.

Unacceptable topics include the following:

- offerings in mechanical office and business skills, including:
 - typing;

- speed reading;
- memory improvement;
- language report writing;
- advertising; and
- technology courses with a principal focus on technology operation, software design, or software use;
- physical well-being, including:
 - personal motivation;
 - stress management; and
 - dress-for-success;
- meetings held in conjunction with the general business of the licensee and the licensee's broker, employer, or trade organization, including:
 - sales meetings;
 - in-house staff meetings or training meetings; and

- member orientations for professional organizations;
- courses in wealth creation or retirement planning for licensees; and
- courses that are specifically designed for exam preparation.

The determination about whether or not the subject matter of a course is acceptable for continuing education credit shall be made by the Real Estate Division.

Attendance requirements

Licensees must attend ninety percent of the required class time of a course to receive credit.

Online classes

Students registered for a distance education course must complete the course within one year of the registration date.

Other requirements

A licensee who completes a non-certified course and who believes that the course satisfies the objectives of continuing education pursuant may apply to the Real Estate Division for an award of continuing education credit after successfully completing the course.

ASSOCIATE (OR OTHER) BROKER REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SALESPERSON OR AGENT REQUIREMENTS

To renew at the end of the first renewal cycle, an individual must complete:

- the 12-hour new sales agent course certified by the Real Estate Division; and

- an additional six non-duplicative hours of continuing education certified by the Division as either core or elective; or otherwise acceptable to the Division

After the first renewal, all real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section 61-2f-204 amended 2019; regulatory chapter amended 2018.

[Utah Code § 61-2f-204 \(2019\); Utah Admin. Code R162-2f-204, -206c, -401d \(2019\)](#)

Utah, Licensing Categories

BROKER

"Principal broker" means an individual: licensed as a principal broker under Utah law who:

- either:
 - sells or lists real estate, including that being sold as part of a foreclosure rescue, or a business opportunity for sale;
 - or buys, exchanges, or auctions real estate, options on real estate, or improvements on real estate with the expectation of receiving valuable consideration; or

- who advertises, offers, attempts, or otherwise holds the individual out to be engaged in the business described above;
- is employed by or on behalf of the owner of real estate or by a prospective purchaser of real estate who performs any of the acts described above, whether the individual's compensation is at a stated salary, a commission basis, upon a salary and commission basis, or otherwise;
- who, with the expectation of receiving valuable consideration, manages property owned by another person or who advertises or otherwise holds the individual out to be engaged in property management;
- engages in, or advertises or holds the individual out as engaged in, foreclosure rescue;
- who, with the expectation of receiving valuable consideration, assists or directs in the procurement of prospects for or the negotiation of the transactions listed above; or
- except for a mortgage lender, title insurance producer, or their employees, who assists or directs in the closing of any real estate transaction with the expectation of receiving valuable consideration.

A "business opportunity" is the sale, lease, or exchange of a business that includes an interest in real estate.

ASSOCIATE BROKER

"Associate broker" means an individual employed or engaged as an independent contractor by or on behalf of a principal broker to perform any of the acts engaged in by a broker for valuable consideration, licensed as an associate broker.

SALES AGENT

"Real estate sales agent" and "sales agent" mean an individual affiliated with a licensed principal real estate broker, either as an independent contractor or an employee to perform for valuable consideration any of the activities of a broker, and who is licensed as a real estate sales agent.

SPECIALIST CATEGORIES

No relevant provisions were located.

Section 61-2f-102 amended 2017.

[Utah Code § 61-2f-102 \(2019\)](#)

Utah, Licensing Exemptions

A license is not required for:

- any person who as owner or lessor buys, sells, exchanges, or auctions property owned or leased by that person;
- a regular salaried employee of the owner or lessor of real estate who, with reference to nonresidential real estate owned or leased by the employer, buys, sells, exchanges, or auctions property;
- a regular salaried employee of the owner of real estate who performs property management services with reference to real estate owned by the employer, except that the employee may only manage property for one employer;
- a person who performs property management services for the apartments at which that person resides in exchange for free or reduced rent on that person's apartment;
- a regular salaried employee of a condominium homeowners' association who manages real property subject to the declaration of condominium that established the homeowners'

association, except that the employee may only manage property for one condominium homeowners' association; and

- a regular salaried employee of a licensed property management company or real estate brokerage who performs support services for the management company or brokerage.

The exemption does not apply any person whose interest as an owner or lessor is obtained by that person or transferred to that person for the purpose of evading the application of the licensing requirements, and not for any other legitimate business reason.

A license is not required for:

- an isolated transaction or service by a person holding a duly executed power of attorney from the property owner;
- subject to [§ 61-2f-401\(5\)](#), services rendered by an attorney admitted to practice law in Utah in performing the attorney's duties as an attorney;
- a receiver, trustee in bankruptcy, administrator, executor, or any person acting under order of any court;
- a trustee or employee of a trustee under a deed of trust or a will;
- any public utility, officer of a public utility, or regular salaried employee of a public utility, unless activities are performed in connection with the sale, purchase, lease, or other disposition of real estate or investment in real estate unrelated to the principal business activity of that public utility;
- a regular salaried employee or authorized agent of the Department of Transportation when performing an act on behalf of the Department of Transportation in connection with the acquisition, disposal, or management of real property; or

- a regular salaried employee of a county, city, or town when performing an act on behalf of the county, city or town.

A license is not required for any person registered to act as a broker-dealer, agent, or investment adviser under the Utah and federal securities laws in the sale or the offer for sale of real estate if:

- the real estate is a necessary element of a "security" as that term is defined by the Securities Act of 1933 and the Securities Exchange Act of 1934; and
 - the security is registered for sale; or
 - it is a transaction in a security for which a Form D has been filed with the Securities and Exchange Commission; and
- the selling agent and the purchaser are not residents of Utah.

Section 61-2f-202 amended 2018.

[Utah Code § 61-2f-202 \(2019\)](#)

Utah, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

All applicants must have at least a high school diploma, G.E.D., or equivalent as determined by the [Real Estate Division](#).

Candidates for the license of associate broker or principal broker will successfully complete not less

than 120 classroom hours of approved study. The 120 hours consists of 45 hours of broker principles, 45 hours of broker practices, and 30 hours of Utah law and testing.

Experience will not satisfy the education requirement. The Real Estate Division may waive all or part of the educational requirement by virtue of equivalent education taken while completing a college undergraduate or postgraduate degree program, regardless of the date of the degree, or by virtue of other equivalent real estate education if the other real estate education was taken within 12 months prior to application.

Service in "lower" category

Applicants must submit evidence of having, within the five-year period preceding the application date, either:

- three years full-time, licensed, active real estate experience; or
- two years full-time, licensed active real estate experience and one year full-time professional real estate experience from the optional experience table below.

Applicants must complete a total of at least 60 experience points within the five years prior to licensing. Forty-five to sixty points must be accumulated from Tables I and/or II of which a maximum of 25 points may have been accumulated from the "all other property management" subsections of Table II. A minimum of one-half of the experience points from Tables I and II must derive from transactions of properties located in Utah.

The remaining fifteen points, if needed may be accumulated from Tables I, II or III. Up to 15 points may be accumulated pursuant to Table III.

When submitting evidence of qualifying experience which experience complies with the requirements in section R162-2f-401a as part of an application for a broker license, an applicant must select from his or her total qualifying experience at least 60 and no more than 80 documented experience points for review and approval by the Division.

When calculating experience points in Table 1, experience points for a transaction subject to an agency agreement other than an exclusive brokerage agreement are limited to one-quarter of the points described in Table 1.

TABLE I - REAL ESTATE TRANSACTIONS

RESIDENTIAL	
Points can be accumulated from either the selling or the listing side of a real estate closing.	
One unit dwelling	2.5 points
Two-to-four-unit dwellings	5 points
Apartments, 5 units or over	10 points
Improved lot	2 points
Vacant land/subdivision	10 points
COMMERCIAL	
Hotel or motel	10 points
Industrial or warehouse	10 points
Office building	10 points
Retail building	10 points

TABLE II - LEASING TRANSACTIONS & PROPERTY MANAGEMENT

RESIDENTIAL	
Each master agreement of 5 units or more	5 points
Each unit leased	1.25 points
All other property management	.25 pt/month
COMMERCIAL hotel/motel, industrial/warehouse, office, or retail building	
Each master agreement of 5 units or more	5 points
Each unit leased	1.25 points
All other property management	1 pt/month

TABLE III - OPTIONAL

Real Estate Attorney	1 pt/month
CPA-Certified Public Accountant	1 pt/month
Mortgage Loan Officer	1 pt/month
Licensed Escrow Officer	1 pt/month
Licensed Title Agent	1 pt/month

Designated Appraiser	1 pt/month
Licensed General Contractor	1 pt/month
Bank Officer in Real Estate Loans	1 pt/month
Certified Real Estate Prelicensing Instructor	.5 pt/month

If evidence is submitted of experience points for transactions involving a team or group, points are limited to those transactions for which the individual is named in any written agency agreements and purchase and/or lease contracts, and the applicable experience points will be divided proportionally among the licensees identified in such agreements or contracts.

Waiver of qualifications for some professionals

No relevant provisions were located.

Annual fees and filings

Licenses are renewed every two years. The on-time renewal fee is \$66 or \$116 for a late renewal (within 30 days). Principal brokers must file a Certificate of Existence form from the Utah Division of Corporations showing the company is current and in good standing.

Principal or Branch Brokers must also file documentation less than thirty days old from a financial institution verifying a trust account on which the broker is a signatory.

Applicant investigation

A criminal background check is required of out-of-state broker applicants. The applicant must pay the cost of the background check.

In determining whether an applicant meets the requirements of honesty, integrity, truthfulness, reputation and competency required for a new or a renewed license, the Real Estate Commission and the Real Estate Division will consider information they consider necessary to make this determination, including the following:

- whether an applicant has been denied a license to practice real estate, property management, or any regulated profession, business, or vocation, or whether any license has been suspended or revoked or subjected to any other disciplinary sanction by this or another jurisdiction;
- whether an applicant has been guilty of conduct or practices which would have been grounds for revocation or suspension of license under Utah law had the applicant then been licensed;
- whether a civil judgment has been entered against the applicant based on a real estate transaction, and whether the judgment has been fully satisfied;
- whether a civil judgment has been entered against the applicant based on fraud, misrepresentation or deceit, and whether the judgment has been fully satisfied;
- whether an applicant has ever been convicted of, or entered a plea in abeyance to, any criminal offense, or whether any criminal charges against the applicant have ever been resolved by a diversion agreement or similar disposition; whether restitution ordered by a court in a criminal case has been fully satisfied;
- whether the parole or probation in a criminal case or the probation in a licensing action has been completed and fully served; and
- whether there has been subsequent good conduct on the part of the applicant.

If, because of lapse of time and subsequent good conduct and reputation or other reason deemed sufficient, it appears to the Commission and the Division that the interest of the public will not likely be in danger by the granting of a license, the Commission and the Division may approve the

applicant relating to honesty, integrity, truthfulness, reputation and competency.

Examinations

The examination will cover the following subjects:

- the fundamentals of:
 - the English language;
 - arithmetic;
 - bookkeeping; and
 - real estate principles and practices;
- the real estate licensing laws;
- rules of the Real Estate Commission; and
- any other aspect of Utah real estate license law considered appropriate.

If an applicant is now and has been actively licensed for the preceding two years in another state which has substantially equivalent licensing requirements and is either a new resident or a non-resident of Utah, the Real Estate Division shall waive the national portion of the exam.

Applicants must apply for licensure within ninety days after successful completion of the examination.

Other prerequisites

New sales agent, principal broker, and associate broker applicants must:

- submit fingerprint cards in a form acceptable to the Department of Public Safety at the time the license application is filed; the applicant must pay the cost of the fingerprinting;
- submit to the Division a signed waiver acknowledging the registration of the applicant's fingerprints in the FBI Next Generation Identification System's Rap Back Service beginning January 1, 2020; and
- consent to a criminal background check by the Utah Bureau of Criminal Identification and the FBI regarding the application.

All applicants for a broker's license must pay a \$158 application fee.

Corporate licensees

An entity must register with the Real Estate Division. Entities must be affiliated with a principal broker, and be registered and in good standing with the Division of Corporations and Commercial Code.

ASSOCIATE (OR OTHER) BROKER QUALIFICATIONS

Except for the certification and documentation requirements for principal brokers, the requirements for licensure as an associate broker are the same as for a principal broker. See "BROKER REQUIREMENTS" above.

SALESPERSON OR AGENT QUALIFICATIONS

Education

Applicants are required to complete 120 classroom hours of study in a curriculum approved by the Commission. The curriculum must consist of forty-five hours of broker principles, forty-five hours of broker practices, and thirty hours of Utah law and testing.

Experience will not satisfy the education requirement. The Real Estate Division may waive all or part of the educational requirement by virtue of equivalent education taken while completing a college undergraduate or postgraduate degree program, regardless of the date of the degree, or by virtue

of other equivalent real estate education if the other real estate education was taken within twelve months prior to application.

All applicants shall have at least a high school diploma, G.E.D., or equivalent as determined by the Real Estate Commission.

First Year Educational Requirements

No relevant provisions were located.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

Membership in the Utah State Bar will waive the education requirement.

Annual fees and filings

Licenses are renewed every two years. The on-time renewal fee is \$60 or \$110 for a late renewal (within 30 days).

Applicant investigation

A criminal background check is required of all applicants. The applicant shall pay the cost of the background check.

An applicant for a new license may not:

- have been convicted of, entered a plea in abeyance to, or completed any sentence of confinement on account of, any felony within five years preceding the application; or
- have been convicted of, entered a plea in abeyance to, or completed any sentence of confinement on account of, any misdemeanor involving fraud, misrepresentation, theft, or dishonesty within three years preceding the application.

In determining whether an applicant meets the requirements of honesty, integrity, truthfulness, reputation and competency required for a new or a renewed license, the Real Estate Commission and the Real Estate Division will consider information they consider necessary to make this determination, including the following:

- whether an applicant has been denied a license to practice real estate, property management, or any regulated profession, business, or vocation, or whether any license has been suspended or revoked or subjected to any other disciplinary sanction by this or another jurisdiction;
- whether an applicant has been guilty of conduct or practices which would have been grounds for revocation or suspension of license under Utah law had the applicant then been licensed;
- whether a civil judgment has been entered against the applicant based on a real estate transaction, and whether the judgment has been fully satisfied;
- whether a civil judgment has been entered against the applicant based on fraud, misrepresentation or deceit, and whether the judgment has been fully satisfied;
- whether an applicant has ever been convicted of any criminal offense, or whether any criminal charges against the applicant have ever been resolved by a diversion agreement or similar disposition;
- whether restitution ordered by a court in a criminal case has been fully satisfied;
- whether the parole or probation in a criminal case or the probation in a licensing action has been completed and fully served; and
- whether there has been subsequent good conduct on the part of the applicant.

If, because of lapse of time and subsequent good conduct and reputation or other reason deemed sufficient, it appears to the Commission and the Division that the interest of the public will not likely be in danger by the granting of a license, the Commission and the Division may approve the applicant relating to honesty, integrity, truthfulness, reputation and competency.

Examinations

The examination will cover the following subjects:

- the fundamentals of:
 - the English language;
 - arithmetic;
 - bookkeeping; and
 - real estate principles and practices;
- the real estate licensing laws;
- rules of the Real Estate Commission; and
- any other aspect of Utah real estate license law considered appropriate.

If an applicant is now and has been actively licensed for the preceding two years in another state which has substantially equivalent licensing requirements and is either a new resident or a non-resident of Utah, the Real Estate Division shall waive the national portion of the exam.

Applicants must apply for licensure within ninety days after successful completion of the exam.

Other prerequisites

The total fee for a new application is \$152.

New sales agent, principal broker, and associate broker applicants must:

- submit fingerprint cards in a form acceptable to the Department of Public Safety at the time the license application is filed; the applicant must pay the cost of the fingerprinting;
- submit to the Division a signed waiver acknowledging the registration of the applicant's fingerprints in the FBI Next Generation Identification System's Rap Back Service beginning January 1, 2020; and
- consent to a criminal background check by the Utah Bureau of Criminal Identification and the FBI regarding the application.

SPECIALIST QUALIFICATIONS

In addition to issuing a principal broker license, associate broker license, or sales agent license authorizing the performance of an act set forth in § 61-2f-201, the Division may issue a specialized sales license or specialized property management license with the scope of practice limited to the specialty.

Sections 61-2f-203 amended 2016; § 61-2f-204 amended 2019; § 61-2f-206 amended 2017, Regulatory chapter 162-2f amended 2019.

[Utah Code §§ 61-2f-203, -204, -206 \(2019\)](#); [Utah Admin. Code R162-2f-201, -202a, -202b, -202c, -202d, -204, -205 \(2019\)](#)

Vermont

Vermont, Continuing Education Approval

PROVIDER

General requirements

All continuing education courses must be approved by the [Real Estate Commission](#). The Commission maintains a list of approved continuing education providers and courses.

Approval applications

Applications for educational program approval shall be prepared on forms furnished by, or in the format prescribed by the Commission.

Within ten days after the Commission has reviewed and acted upon a program application, the Office will notify the program sponsor, in writing, if the program has been approved or denied.

A licensee may seek individual approval of a course by submitting an application no later than 90 days prior to license renewal.

Distance learning course approval

The format for distance learning courses is evaluated on a course-by-course basis. No portion of an approved course may consist of correspondence education.

Approved formats include:

- interactive television that permits continuous mutual communication between the instructor and all students, continuous observation of the instructor by all students, and continuous observation of all students by the instructor; and
- distance courses/online delivery programs whereby instruction does not take place in a traditional classroom setting but rather through other media where teacher and student are apart. Exchange between instructor and student is by electronic means.

Advertising

Advertisements for educational programs shall include the following:

- a course description sufficient to identify the subject matter to be covered;
- identification of the level of instruction (whether appropriate for a salesperson or broker, or both; basic, intermediate or advanced);
- identification of the method or format of instruction (lecture, round-table, video, etc.);
- a clear statement of program objective; and
- notice that the course has been approved by the Real Estate Commission and the number of clock hours to be received upon completion of the program.

Student records

Following program delivery the sponsor shall submit an alphabetical list of licensees who completed the program, and are eligible for clock hour credit. The sponsor should retain a copy of that list for a period of not less than three years.

Certificates of completion

Only those licensees who complete an educational program in its entirety are eligible for clock hour credit. The program sponsor shall furnish each eligible licensee with a Certificate of Completion completed by the instructor.

Other submissions

Each program must have learning objectives that specifically identify how the program will improve the licensee's ability to meet the needs of his/her clients. The learning objectives shall be clearly stated in the program application.

CONTENT

Courses must cover topics relating to real estate, and must directly contribute to the accomplishment of the primary purpose of mandatory continuing education, which is to help assure that real estate licensees possess the knowledge, skills and competence necessary to function in the real estate business in a manner that protects and serves the public interest. The knowledge or skills taught must enable licensees to better serve real estate consumers and the subject matter must be directly related to real estate practice.

Examples of acceptable subject matter include, but are not limited to:

- real property law;
- agency law;
- buyer brokering;
- real estate contracts;
- land use and land use controls;
- environmental protection laws impacting real estate practice;
- real estate economics and markets;
- real estate finance and investment;

- appraisal courses that would help real estate licensees carry out comparative market analysis;
- real estate development;
- commercial real estate brokerage;
- taxation of real estate investments;
- Real Estate License Law and Commission rules;
- energy conservation/energy;
- planning and zoning;
- Vermont Act 250;
- building inspections;
- environmental hazards directly related to the sale or purchase of real estate such as asbestos, radon, ureaformaldehyde, or lead paint;
- Americans with Disabilities Act;
- Fair Housing Act;

- condominiums and cooperatives laws; and
- other state and federal laws relating to real estate.

Subject matter that is not acceptable includes, but is not limited to:

- real estate sales training;
- real estate brokerage management;
- business administration or management;
- general office and computer skills;
- success training;
- motivational training;
- personal development;
- time management; or
- accounting and similar topics.

MATERIALS

Applications for course approval must contain a description or sample of audio/visual aids or reading assignments.

INSTRUCTOR QUALIFICATIONS

Each program shall have a qualified, competent instructor or instructors, whose qualifications and expertise in the topic being taught are documented in the program application.

PRIOR APPROVAL REQUIREMENTS

Approval timing

Applications for approval must be submitted no later than ninety days before the initial course offering.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

No relevant provisions were located.

Proctors

No relevant provisions were located.

Section 2293 amended 2019; rule 5.2 effective December 1, 2015; Application for Education Program Approval undated.

[Vt. Stat. Ann. tit. 26, § 2293 \(2019\)](#); [Vt. Real Estate Commission rule 5.2 \(2019\)](#); [Application for Education Program Approval](#)

Vermont, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

An individual licensed for less than one year must complete only the four-hour mandatory course.

Required hours

License renewal requires continuing education instruction approved by the Commission during the preceding two-year period. Brokers must complete 24 hours of instruction.

Minimum class length

Programs must last a minimum of two hours.

Subjects

No current regulation was located regarding required subjects. Licensees must choose courses from the list of approved courses.

Attendance requirements

Only those licensees who complete an educational program in its entirety are eligible for clock hour credit.

Online classes

All credits may be obtained through distance learning courses.

SALESPERSON REQUIREMENTS

Salespersons must complete 16 hours of continuing education approved by the Commission during the preceding two-year period. (See "BROKER REQUIREMENTS" above for other requirements.)

Post-license education

Effective July 1, 2019, the salesperson post-licensing education requirement was repealed.

SPECIALTY LICENSE REQUIREMENTS

Temporary Brokers

No relevant provisions were located.

Section 2293 amended 2019; Real Estate Rules revised 2015, effective December 1, 2015.

[Vt. Stat. Ann. tit. 26, § 2293 \(2019\)](#); [Real Estate Commission Rules 3.1; 5.2 \(2018\)](#); [Vt. Real Estate Comm'n, 2018-2020 Renewal Cycle Mandatory Course Outline](#)

Vermont, Licensing Categories

BROKER

"Real estate broker," or "broker," means any person who, for another, for a fee, commission, salary, or other consideration, or who intends or expects to receive or collect such compensation, engages in or offers or attempts to engage in, either directly or indirectly, by a continuing course of conduct, any of the following:

- lists, offers, attempts or agrees to list real estate or any interest therein for sale or exchange;

- sells, exchanges or purchases real estate or any interest therein;
- offers to sell, exchange or purchase real estate or any interest therein;
- negotiates, or offers, attempts or agrees to negotiate the sale, exchange or purchase of real estate, or any interest therein;
- buys, sells, offers to buy or sell, or otherwise deals in options on real estate or any interest therein;
- advertises or holds himself or herself out as being engaged in the business of buying, selling or exchanging real estate or any interest therein;
- assists or directs in the procuring of prospects, calculated to result in the sale or exchange of real estate or any interest therein; however, a licensee's nonlicensed employee is allowed to respond to inquiries from the public, so long as the employee makes it clear that he or she is not licensed and that any information provided should be confirmed by a licensed person.

ASSOCIATE [OR OTHER] BROKER

No relevant provisions were located.

SALESPERSON

A "real estate salesperson" or "salesperson" is any person who for a fee, compensation, salary, or other consideration, or in the expectation or upon the promise thereof, is employed by or associated with a licensed real estate broker to do any act or deal in any transaction listed as one of the activities of a broker for or on behalf of such licensed real estate broker.

SPECIALIST CATEGORIES

Temporary Brokers

In the event of the death of a licensed real estate broker, the Real Estate Commission may issue a

temporary broker's license to a legal representative of the broker, or other person designated by the representative or the broker. A temporary license is issued without examination on payment of a \$25 fee. A temporary licensee may continue to transact the deceased broker's real estate business for a period not to exceed one year.

A temporary licensee may not take new listings.

Section 2211 amended 2017; § 2299 amended 2013; § 2255 amended 2019.

[Vt. Stat. Ann. tit. 26, §§ 2211; 2255; 2299 \(2019\)](#)

Vermont, Licensing Exemptions

The terms "real estate broker," "real estate salesperson" or "broker" do not include:

- any person, partnership, association or corporation who as a bona fide owner performs any of the acts of a broker with reference to property owned by them, or their regular employees, where such acts are performed in the regular course of or incident to the management of such property and the investment therein (this subdivision does not apply to licensees);
- any Vermont-admitted attorney at law, handling sales of real estate in the course of estate or guardianship administration, or trust administration, bankruptcy proceedings, receiverships, or like actions subject to court approval, or sales of real estate arising in the usual course of the practice of law;
- any person selling real estate as an auctioneer, if the sale is advertised as a bona fide public auction;
- any bank or trust company or any of its officers or employees in the performance of their duties as an officer or employee of any such bank or trust company while performing the activities of a broker with respect to real estate owned by that bank or trust company;

- any person holding in good faith a duly executed power of attorney from the owner, authorizing a final consummation and execution for the sale, purchase or exchange of real estate when such acts are not of a recurrent nature and done with the intention of evading the licensing laws;
- any person while acting as a receiver, trustee, administrator, executor, guardian, or under court order, or while acting under authority of a deed, trust, or will;
- public officers while performing their duties as such;
- any person who leases real estate or any interest therein or any improvements affixed thereon, or offers to lease, negotiates the lease of, or advertises as being in the business of leasing real estate;
- any person registered as a securities dealer or salesperson by the Commissioner of Banking, Insurance, Securities, and Health Care Administration when selling securities.

Section 2211 amended 2017.

[Vt. Stat. Ann. tit. 26, § 2211 \(2019\)](#)

Vermont, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

Applicants for a broker's license must complete a course of instruction of at least 40 hours, approved by the [Real Estate Commission](#). Any person may apply to the Commission for approval of a course of study.

Service in "lower" category

Applicants for a broker's license must have at least two years' experience as a licensed salesperson, including at least eight separate and unrelated closed transactions with no familial or contemporaneous business relation to the applicant.

Waiver of qualifications for some professionals

All applicants must complete the Vermont portion of the examination. The Commission may waive all or a part of the national examination requirement, and the experience requirement, if the applicant is a real estate broker regulated under the laws of another jurisdiction. In order to obtain a waiver, the applicant must be licensed and in good standing to practice in the other jurisdiction and, in the opinion of the Commission, the jurisdiction's licensure requirements must be substantially equal to Vermont's.

Annual fees and filings

The initial application fee for a broker's license is \$100. The biennial renewal fee is \$400.

Applicant investigation

No relevant provisions were located.

Examinations

Applicants must pass the national and state examination required by the Real Estate Commission within the two-year period immediately preceding licensure application. Examinations shall be designed to ensure that all applicants are licensed if they demonstrate that they possess the minimal occupational qualifications which are consistent with the public health, safety and welfare. They shall not be designed or implemented for the purpose of limiting the number of licensees.

A candidate who fails one part of the exam may retake that part within the next six months. After six months or two failures, the candidate must retake the full exam.

Other prerequisites

An applicant for a broker's license must have attained the age of majority.

SALESPERSON OR AGENT QUALIFICATIONS

Education

Applicants for a salesperson's license must complete a course of instruction of at least 40 hours, approved by the Real Estate Commission. Any person may apply to the Commission for approval of a course of study.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

All applicants must complete the Vermont portion of the examination. The Commission may waive all or a part of the national examination requirement, and the experience requirement, if the applicant is a real estate salesperson regulated under the laws of another jurisdiction. In order to obtain a waiver, the applicant must be licensed and in good standing to practice in the other jurisdiction and, in the opinion of the Commission, the jurisdiction's licensure requirements must be substantially equal to Vermont's. Such applicants must complete the Vermont examination.

Annual fees and filings

The initial application fee for a salesperson's license is \$100. The biennial renewal fee is \$400.

Applicant investigation

No relevant provisions were located.

Examinations

Applicants must pass the national and state examination required by the Real Estate Commission within the two-year period immediately preceding licensure application. Examinations shall be designed to ensure that all applicants are licensed if they demonstrate that they possess the minimal occupational qualifications which are consistent with the public health, safety and welfare. They shall not be designed or implemented for the purpose of limiting the number of licensees.

A candidate who fails one part of the exam may retake that part within the next six months. After six months or two failures, the candidate must retake the full exam.

Other prerequisites

An applicant for a salesperson's license must be at least eighteen years old, and be employed by or associated with a brokerage firm and that firm's principal broker. An applicant must also show that he or she is not precluded from licensure due to unprofessional conduct, whether committed in Vermont or in another jurisdiction.

Section 2292a enacted 1997; section 2211 amended 2017; 2255 amended 2019; section 2292 amended 2019; section 129a amended 2019; Real Estate Commission Rules revised 2015.

[Vt. Stat. Ann. tit. 3, § 129a; tit. 26, §§ 2211, 2255, 2292, 2292a \(2019\); Real Estate Commission Rules 2.4; 2.5; 2.7; 5.1; 5.2 \(2019\)](#)

Virgin Islands

Virgin Islands, Continuing Education Approval

The Virgin Islands does not require continuing education for license renewal; consequently, there is no need for course approval.

Virgin Islands, Continuing Education Requirements

There is no continuing education requirement in the Virgin Islands.

Virgin Islands, Licensing Categories

BROKER

A "real estate broker" is any person who acts as agent for any principal involved in the sale, purchase, lease or rental of real property, or who solicits listings of real estate for the same purpose, or who advertises or holds himself out as engaged in any of the foregoing activities. The term also includes any person who engages in the business of charging an advance fee or contracting for collection of a fee in connection with any contract whereby he undertakes primarily to promote the sale of real estate through its listing in a publication issued primarily for such purpose, or for referral of information concerning such real estate to brokers, or both.

ASSOCIATE [OR OTHER] BROKER

No relevant provisions were located.

SALESPERSON OR AGENT

A "real estate salesman" is any person employed or engaged under contract by or on behalf of a licensed real estate broker to participate in any activity of the real estate broker directly relating to the sale, purchase, lease or rental of real property, for compensation or otherwise.

SPECIALIST CATEGORIES

No relevant provisions were located.

Section 421 amended 1986.

V.I. Code tit. 27, § 421 (LexisNexis 2019)

Virgin Islands, Licensing Exemptions

Any person admitted to practice law in the Virgin Islands as a member of the Virgin Islands Bar shall, upon application and a showing of membership in good standing and a payment of the required fee, be issued a license as a real estate broker.

Section 423 added 1967.

V.I. Code tit. 27, § 423 (LexisNexis 2019)

Virgin Islands, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

An applicant for a broker's license who has one year experience working for a licensed real estate broker must show that he or she has attended for at least forty-five hours, and successfully completed, a real estate course or courses approved by the Real Estate Commission.

The requirement of a course or courses in real estate shall be waived by the Commission if those courses are not available locally through an accredited educational institution or otherwise within the Virgin Islands.

Service in "lower" category

An applicant for a broker's license must provide proof that he or she has been a licensed real estate salesman in the Virgin Islands for at least two consecutive years or that he or she has had the equivalent experience in general real estate business for a period of at least two years.

Alternately, an applicant may provide proof that he or she has actively participated in the general real estate brokerage business as a licensed real estate salesman under the supervision of a licensed real estate broker for a period of not less than one year and has attended for at least forty-five hours and successfully completed a real estate course or courses approved by the Real Estate Commission.

Waiver of qualifications for some professionals

Any person admitted to practice law in the Virgin Islands as a member of the Virgin Islands Bar shall, upon application and a showing of membership in good standing and a payment of the required fee, be issued a license as a real estate broker.

Annual fees and filings

Licenses expire on December 31 of the year in which issued, and must be renewed annually thereafter.

The annual fee for a broker's license is \$325.

Applicant investigation

Applicants must provide a favorable tax clearance letter from the V.I. Bureau of Internal Revenue, and a Virgin Islands Police record check.

Examinations

Applicants for a broker's license must pass a written examination. The examination for a real estate broker's license is of a more exacting nature and scope and more stringent than the examination for a real estate salesman's license. The examination shall be designed to demonstrate that the applicant has an adequate understanding of the general purposes and the general legal effects of deeds, mortgages, land contracts of sale, and leases and an adequate understanding of the obligations between both principals and the agent in a real estate transaction, as well as the real estate laws.

An applicant who has failed twice in succession to pass the examination shall not be eligible for a further examination until six months have passed.

Other prerequisites

No person may be licensed as a real estate broker unless, in the case of a natural person, such person is:

- at least twenty-one years of age;
- a U.S. citizen or a permanent resident alien; and
- a resident of the Virgin Islands for at least two consecutive years prior to the date of the application (Note: The Real Estate Commission website states that the applicant must be a Virgin Island-licensed real estate salesman for a minimum of two consecutive years or a Virgin Islands-licensed attorney).

Corporate licensees

No partnership, association, or corporation shall be licensed as a real estate broker, unless at least one of the members of any such partnership or association or at least one of the officers of any such corporation is duly licensed as a real estate broker.

SALESPERSON OR AGENT QUALIFICATIONS

Education

No relevant provisions were located.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

The Real Estate Commission may issue a temporary permit to an applicant for a salesman's license, upon the written request of his or her employer. The employer must express willingness to stand responsible for the acts of the salesman.

A temporary permit is valid for a period of six months, pending a written examination.

Annual fees and filings

Licenses expire on December 31 of the year in which they are issued, and are renewed annually.

The fee for issuance or renewal of a salesman's license is \$260.

Applicant investigation

Applicants must provide a favorable tax clearance letter from the V.I. Bureau of Internal Revenue, and a Virgin Islands Police record check.

Examinations

Each applicant for a first real estate salesman's license must pass a written examination prepared by or under the supervision of the Real Estate Commission.

The application fee for a salesman's license is \$50.

Other prerequisites

No person may be licensed as a real estate salesman unless he or she is:

- at least twenty-one years of age;
- a citizen of the United States or a permanent resident alien;
- a resident of the Virgin Islands for at least one year prior to the date of the application (Note: The Real Estate Commission website states that the applicant must be a resident of the Virgin Islands for a minimum of only 90 days prior to applying for examination); and
- sponsored by a licensed real estate broker.

The Department of Licensing and Consumer Affairs also requires a favorable tax clearance letter from the V.I. Bureau of Internal Revenue, and a Virgin Islands Police record check.

No real estate salesman's license may be issued to a partnership, association, or corporation.

Sections 423, 427 added 1967; section 425 amended 1974; section 430 amended 1983; website history unknown.

V.I. Code tit. 27, §§ 423; 425; 427; 430 (LexisNexis 2019); [Requirements for Real Estate Commissions' Licensure and Examination \(last visited Nov. 11, 2019\)](#)

Virginia

Virginia, Continuing Education Approval

PROVIDER

General requirements

The [Real Estate Board](#) requires approved schools to show evidence of financial responsibility by submitting a CPA-certified letter attesting to the applicant's net worth or a balance sheet or financial statement certified by the applicant to be accurate. A minimum net worth of \$2,000 is required.

Approval applications

Providers of continuing education courses shall submit all subjects to the Board for approval prior to initially offering the course.

Distance learning course approval

Approved distance learning courses are those offered by an accredited university, college, community college, high school offering adult distributive education courses, other school or educational institution, or real estate professional association or related entities. Such courses must include a timer requiring licensees to be actively engaged online learning course content for at least 50 minutes to receive one hour of credit.

Advertising

No relevant provisions were located.

Student records

All schools must establish and maintain a record for each student. The record shall include:

- the student's name and address;
- the course name and clock hours attended;
- the course syllabus or outline;

- the name or names of the instructor;
- the date of successful completion; and
- the Real Estate Board's course code.

Records shall be available for inspection during normal business hours by authorized representatives of the board. Schools must maintain all student and class records for a minimum of five years.

Continuing education providers must electronically transmit course completion data to the Board within five days of the completion of each individual course. The transmittal must include each student's name, license number or Social Security number, the date of the successful completion of the course, the school's code, and the Board code.

Certificates of completion

All schools must provide each student with a certificate of course completion or other document that the student may use as proof of course completion. The certificate or other document shall contain the student's name, school name, course name, course approval number, course completion date, hours of credit completed and a statement that the course is "Approved by the Real Estate Board."

The provider must electronically transmit course completion data to the Board within five business days of course completion.

Other submissions

Copies of school certificates of approval and instructor certificates, if applicable, must be available at the location a course is taught.

The Real Estate Board may withdraw approval of any school or instructor for the following reasons:

- the school, instructors, courses, or subjects no longer meet the standards established by the Board;
- the school or instructor solicits information from any person for the purpose of discovering past examination questions or questions which may be used in future examinations;
- the school or instructor distributes copies of examination questions, or otherwise communicates to any person examination questions, without receiving the prior written approval of the copyright owner to distribute or communicate those questions;
- the school, through an agent or otherwise, advertises its services in a fraudulent, deceptive or misrepresentative manner; or
- officials, instructors or designees of the school sit for a real estate licensing examination for any purpose other than to obtain a license as a broker or salesperson.

CONTENT

The Board shall approve courses and the number of hours approved for each course based on the relevance of the subject to the performance of the statutory duties of brokers and salespersons.

MATERIALS

No relevant provisions were located.

INSTRUCTOR QUALIFICATIONS

Every applicant to the Real Estate Board for approval as a continuing education and post-licensing education instructor must have expertise in a specific field of real estate with at least three years of active experience, and will teach only in the area of their expertise. Applicants must submit proof of their expertise including, but not limited to, educational transcripts, professional certificates, letters of reference (maximum of three), resume, or other documentation verifying the applicant's expertise.

PRIOR APPROVAL REQUIREMENTS

Approval timing

Applications for approval must be submitted prior to the initial course offering. The Board shall acknowledge, in writing, receipt of such applications within ten calendar days after receipt and provide written notification to the applicant, within seventy-five calendar days of receipt of the application, whether the application has been approved or disapproved, and if disapproved, the reasons therefore.

Approval of continuing education courses expires on December 31 three years from the year in which the approval was issued.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

Correspondence and other distance learning courses must include appropriate testing procedures to verify completion of the course.

Testing is not required for classroom education.

Proctors

No relevant provisions were located.

Section 54.1-2105 amended 2019; regulation 135-20-360 amended 2015; regulation 135-20-380 amended 1999.

[Va. Code § 54.1-2105 \(2019\)](#); [18 V.A.C. 135-20-360](#); [-380 \(2019\)](#)

Virginia, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

Active licensees called to active duty in the Armed Forces of the United States may complete their continuing education courses within six months of their release from active duty.

Inactive licensees are not required to complete the continuing education course as a condition of renewal.

A licensee who submits a notarized affidavit to the Board that certifies that he or she does not practice residential real estate and shall not do so during the licensing term is not required to complete training in residential representation.

The Board may grant exemptions or waive or reduce the number of continuing education hours required in the event of certified illness or undue hardship as demonstrated to the Board.

Required hours

All active brokers are required to complete at least twenty-four hours of classroom, correspondence, or other distance learning instruction hours during each licensing term. Any credits completed by the licensee in excess of that required in the current license term that are obtained in the six months immediately prior to the license expiration date are carried over into the next two-year renewal period.

Approved instructors who are also licensees may earn continuing education credit for teaching.

Minimum class length

Credit for course completion is given for each class hour/clock hour. "Class hour/clock hour" is defined as fifty minutes.

Subjects

Note: The statutory requirements regarding the required subjects are different from the requirements set out in state regulation. The Education Requirements memorandum issued by the Real Estate Board lists the same requirements as found in the statute.

Of the total 24 hours, the curriculum must include:

- broker management and agent supervision and management of real estate firms (eight hours, which must include a two-hour overview of North Carolina broker supervision laws and regulations);
- ethics and standards of conduct (three hours);
- fair housing laws (two hours);
- legal updates and emerging trends, which includes flood hazard areas and the National Flood Insurance Program (one hour);
- real estate agency (one hour);
- real estate contracts (one hour); and
- electives (eight hours)

Fair housing requirements must consist of a minimum of two hours including an update on current cases and administrative decisions under fair housing laws, and one hour must be given to each of the remaining required subjects. If the licensee submits a notarized affidavit to the Board that certifies that he or she does not practice residential real estate and shall not do so during the

licensing term, training in fair housing shall not be required; instead, such licensee shall receive training in other applicable federal and state discrimination laws and regulations.

Effective July 1, 2011, the Board may, on a year-by-year basis, adjust the required hours and course topics for the next succeeding year, applicable to a licensee in the next renewal period for his license. The adjustment may include the addition of topics deemed by the Board to be essential. The designation or adjustment by the Board must be made prior to September 1 of any year.

As of July 1, 2012, every applicant for relicensure as an active broker must complete at least one three-hour continuing education course on the changes to residential standard agency made by HB 1907 effective as of July 1, 2011 prior to renewal or reinstatement of his license. A licensee who takes one three-hour continuing education class on residential representation shall satisfy the requirements for continuing education.

Per Virginia Real Estate Board regulation: Four of the eight required hours must include training in fair housing laws, state real estate laws and regulations, and ethics and standards of conduct. If the licensee submits a notarized affidavit to the Board which certifies that he does not practice residential real estate brokerage, residential management or residential leasing and shall not do so during the licensing term, training in fair housing shall not be required; instead that licensee shall receive training in other applicable federal and state discrimination laws and regulations. The remaining hours shall be on subjects from the following list:

- property rights;

- contracts;

- deeds;

- mortgages and deeds of trust;

- types of mortgages;

- leases;
- liens;
- real property and title insurance;
- investment;
- taxes in real estate;
- real estate financing;
- brokerage and agency contract responsibilities;
- real property management;
- search, examination and registration of title;
- title closing;
- appraisal of real property;
- planning subdivision developments and condominiums;
- regulatory statutes;

- housing legislation;
- fair housing;
- Real Estate Board regulations;
- land use;
- business law;
- real estate economics;
- real estate investments;
- federal real estate law;
- commercial real estate;
- Americans with Disabilities Act;
- environmental issues impacting real estate;
- building codes and design;

- local laws and zoning;
- escrow requirements;
- ethics and standards of conduct; and
- common interest ownership.

The Board will accept up to eight hours of approved continuing education courses that a broker or experienced salesperson completed in another state, as long as the licensee holds a current real estate license in that other state and completed these continuing education courses during the current two-year license term. These eight out-of-state hours can be applied only to the elective continuing education category.

Every applicant for relicensure as an active salesperson or broker must complete at a minimum one two-hour continuing education course on limited service agency prior to renewal or reinstatement of his license.

Attendance requirements

Licensees are responsible for providing proof of course completion.

Online classes

All required hours may be completed by distance or online learning.

Other requirements

Licensees are responsible for retaining records of course completion for three years.

Attendance at out-of-state classes will be approved for up to eight hours of credit, provided that the licensee is licensed in the other jurisdiction and has completed those courses during his or her current license term.

The renewal fee is \$80.

ASSOCIATE (OR OTHER) BROKER REQUIREMENTS

All real estate brokers are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SALESPERSON OR AGENT REQUIREMENTS

Exemptions

Licensees called to active duty in the armed forces may complete their continuing education requirements within six months of their release from active duty.

Required hours

Salespersons who have renewed their licenses at least once are required to complete at least sixteen classroom, correspondence, or other distance learning instruction hours during each licensing term, except for sales persons renewing their licenses for the first time. See "Licensing Prerequisites" for educational requirements that apply to the first two years of licensure. Any credits completed by the licensee in excess of that required in the current license term that are obtained in the six months immediately prior to the license expiration date are carried over into the next two-year renewal period.

Eight of the required sixteen hours must include the following:

- three hours in ethics and standards of conduct;

- two hours in fair housing laws;

- one hour in legal updates and emerging trends, including flood hazard areas and the National Flood Insurance Program;

- one hour in real estate agency; and

- one hour in real estate contracts.

The remaining eight hours must be on subjects from the following list:

- property rights;
- contracts;
- deeds;
- mortgages and deeds of trust;
- types of mortgages;
- leases;
- liens;
- real property and title insurance;
- investment;
- taxes in real estate;
- real estate financing;

- brokerage and agency contract responsibilities;
- real property management;
- search, examination and registration of title;
- title closing;
- appraisal of real property;
- planning subdivision developments and condominiums;
- regulatory statutes;
- housing legislation;
- fair housing;
- Real Estate Board regulations;
- land use;
- business law;
- real estate economics;

- real estate investments;
- federal real estate law;
- commercial real estate;
- Americans with Disabilities Act;
- environmental issues impacting real estate;
- building codes and design;
- local laws and zoning;
- escrow requirements;
- ethics and standards of conduct; and
- common interest ownership.

Effective July 1, 2011, the Board may, on a year-by-year basis, adjust the required hours and course topics for the next succeeding year, applicable to a licensee in the next renewal period for his license. The adjustment may include the addition of topics deemed by the Board to be essential. The designation or adjustment by the Board must be made prior to September 1 of any year. Effective July 1, 2012, the Board must establish procedures for carrying over completed continuing education credits from the licensee's current license period to the next renewal period.

As of July 1, 2012, every applicant for relicensure as an active salesperson must complete at least one three-hour continuing education course on the changes to residential standard agency made by HB 1907 effective as of July 1, 2011 prior to renewal or reinstatement of his license. A licensee who takes one three-hour continuing education class on residential representation shall satisfy the requirements for continuing education. That licensee may, but is not required to, take any further continuing education on residential standard agency.

Attendance requirements

Licensees are responsible for providing proof of course completion.

Online classes

All required hours may be completed by distance or online learning.

Other requirements

Licensees are responsible for retaining records of course completion for three years.

Attendance at out-of-state classes will be approved for up to eight hours of credit, provided that the licensee is licensed in the other jurisdiction and has completed those courses during his or her current license term.

The renewal fee is \$65.

Section 54.1-2105.03 amended 2018; regulation 135-20-350 amended 1999; regulation 135-20-100 repealed 2015; regulation 135-20-101 amended 2019.

[Va. Code §§ 54.1-2105.03 \(2019\); 18 V.A.C. 135-20-101, -350 \(2019\); Real Estate Board: Continuing Education](#)

Virginia, Licensing Categories

BROKER

A "real estate broker" is any person or business entity, including a partnership, association, corporation or limited liability company, who, for compensation or valuable consideration:

- sells or offers for sale, buys or offers to buy, or negotiates the purchase or sale or exchange of real estate, including units or interest in condominiums, cooperative interest, or time-shares in a time-share program even though they may be deemed to be securities; or
- leases or offers to lease, or rents or offers for rent, any real estate or the improvements thereon for others.

ASSOCIATE [OR OTHER] BROKER

An "associate broker" is an individual licensee of the Real Estate Board holding a broker's license other than one who has been designated as the principal broker. The "principal broker" is the individual broker designated by each firm to assure compliance with the real estate licensing laws and regulations, and to receive communications and notices from the Board which may affect the firm or any licensee active with the firm.

SALESPERSON

A "real estate salesperson" is any person, or business entity, who for compensation or valuable consideration is employed either directly or indirectly by, or affiliated as an independent contractor with, a real estate broker, to sell or offer to sell, or to buy or offer to buy, or to negotiate the purchase, sale or exchange of real estate, or to lease, rent or offer for rent any real estate, or to negotiate leases thereof, or of the improvements thereon.

SPECIALIST CATEGORIES

Teams

Effective January 1, 2019, no group of one or more real estate brokers or real estate salespersons, or a combination thereof, may act as a real estate team without first obtaining a business entity salesperson's license from the Board.

Sections amended 2018; regulation 135-20-10 amended 2019.

[Va. Code §§ 54.1-2100; -2101 \(2019\); 18 V.A.C. 135-20-10 \(2019\)](#)

Virginia, Licensing Exemptions

The real estate licensing laws do not apply to:

- a person, partnership, association, entity or corporation, or their regular employees, who as owner or lessor buy, sell, or lease, or offer to buy, sell, or lease property owned or leased by them, where the acts are performed in the regular course of or incident to the management of the property and the investment therein;
- a person acting without compensation as attorney-in-fact under a power of attorney issued by a property owner solely for the purpose of authorizing the final performance required of such owner under a contract for the sale, lease, purchase, or exchange of real estate;
- service rendered by an attorney-at-law in the performance of his or her duties as such. An attorney is not allowed to receive compensation for referring a client to a real estate firm or broker, unless the attorney is licensed as a real estate agent or broker;
- a person acting as a receiver, trustee in bankruptcy, administrator or executor, or any person selling real estate under order of any court;
- a trustee or regular salaried employee of a trustee acting under a trust agreement, deed of trust, or will;
- a corporation managing rental housing when the officers, directors, and members in the ownership corporation and the management corporation are the same and the management corporation manages no other property for others;

- the existing tenant of a residential dwelling unit who refers a prospective tenant to the owner of the unit or to the owner's duly authorized agent or employee and for the referral receives, or is offered, a referral fee from the owner, agent or employee;
- a licensed auctioneer selling real estate at public auction when employed for such purpose by the owner of the real estate and provided the bidding at such auction is held open for no longer than forty-eight hours. An auctioneer may not advertise that he or she is authorized to sell real estate. An auctioneer may advertise for sale at public auction any real estate when employed to do so, and may advertise that he or she is authorized to auction real estate at public auction; or
- a person licensed as a real estate broker or salesperson in another state who assists a person with the purchase, lease, option, or license of an interest in commercial real estate in Virginia.

The real estate licensing laws do not apply to any salaried person employed by a licensed real estate broker for and on behalf of the owner of any real estate or the improvements thereon which the licensed broker has contracted to manage for the owner if the actions of such salaried employee are limited to:

- exhibiting residential units on such real estate to prospective tenants, if the employee is employed on the premises of such real estate;
- providing prospective tenants with factual information about the lease of residential real estate;
- accepting applications for lease of such real estate; and
- accepting security deposits and rentals for such real estate.

A licensee of the Real Estate Board must comply with the Board's regulations, even though the licensee would be otherwise exempt from licensure.

Section 54.1-2103 amended 2015.

[Va. Code § 54.1-2103 \(2019\)](#)

Virginia, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

Applicants for a broker's license must provide proof of completing 180 class/clock hours of Board-approved broker pre-license education courses.

Equivalent courses to Board-approved courses offered by an accredited university, college, community college, or other school or education institution may be accepted for broker pre-license education. Each course must be at least 45 class/clock hours or 3 semester hours. Proof of course completion, including a monitored, final written examination, is required for course approval.

Applicants are required to complete a real estate brokerage course. Applicants must also complete either:

- the three broker-specific courses of real estate appraisal, real estate finance, and real estate law; or

- two of the Broker Specific Courses and one of the following broker-related courses:
 - real estate abstracting;

 - CCIM (all parts);

- real estate contract law;
- CRB (all parts);
- real estate economics;
- GRI (all parts);
- real estate feasibility analysis;
- SIR/SIOR (all parts);
- real estate investments;
- business law;
- real estate math;
- commercial mortgage lending;
- real estate property management;
- land planning and use;
- real estate property law; or

- urban developments.

Courses taken to meet continuing education requirements are not acceptable for pre-license credit. Any principles of real estate course taken for licensure as a salesperson is not acceptable as a broker pre-license education course.

Service in "lower" category

An applicant for a broker's license shall have been actively engaged as a real estate salesperson for a period of thirty-six of the forty-eight months immediately preceding application. "Actively engaged" is defined as working an average of forty hours per week. The applicant's experience must be verified by the principal or supervising broker for whom the licensee worked at the time of gaining that experience.

Waiver of qualifications for some professionals

The [Real Estate Board](#) may waive the education or experience requirements for an applicant who is found to have education or experience equivalent to that required.

Applicants for a license by reciprocity must have:

- completed a course in the principles of real estate comparable in content and duration and scope to that required of in-state applicants or twelve semester hours of instruction in real estate courses that are comparable in content and duration and scope to that required of in-state applicants; and
- if currently licensed by another state, passed the Virginia examination.

Annual fees and filings

The fee to renew a broker's license is \$80. The license must be renewed every two years.

The initial fee for a broker's license is \$190, plus an examination fee of not more than \$90.

Applicant investigation

Each applicant must submit to fingerprinting and must disclose:

- all misdemeanor convictions involving moral turpitude, sexual offense, drug distribution or physical injury within five years of the application date; and
- all felony convictions during his or her lifetime.

Examinations

Examinations are administered by an outside vendor.

Applicants must submit their license applications within twelve months of passing the examination.

An applicant licensed in a foreign jurisdiction must, within twelve months prior to submitting an application for licensure, have passed a written examination provided by the Board covering Virginia real estate license law and Real Estate Board regulations.

Other prerequisites

The applicant shall have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a real estate broker or a real estate salesperson in such a manner as to safeguard the interests of the public.

An applicant must be in good standing as a licensed real estate broker or salesperson in every jurisdiction where licensed and the applicant shall not have had a license as a real estate broker or real estate salesperson which was suspended, revoked or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia.

License applicants must be at least eighteen years old and have a high school diploma or its equivalent.

The application fee for brokers by education and experience and for applicants by reciprocity is \$190.

Corporate licensees

No business entity shall be granted a firm license unless:

- every managing member of a limited liability company, officer of a corporation partner within a partnership, or associate within an association who actively participates in the firm brokerage business holds a license as a real estate broker; and
- every employee or independent contractor who acts as a salesperson for such business entity holds a license as a real estate salesperson or broker.

An individual holding a broker's license may operate a real estate brokerage firm which he or she owns as a sole proprietorship without any further licensure by the Real Estate Board, although such individual shall not operate in a fictitious name. Each real estate firm must have a principal broker whose license is in good standing with the Board in order to transact real estate business.

Effective January 1, 2012, when submitting a sole proprietorship or firm license renewal, the principal broker or supervising broker of the firm must certify on a Board-developed form that he has audited or caused to be audited the operation, policies and procedures of the firm to assure compliance with Virginia real estate law and Board regulations. Such an audit must be done at least once during each licensure term.

ASSOCIATE (OR OTHER) BROKER QUALIFICATIONS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON OR AGENT QUALIFICATIONS

Education

Every applicant for an initial license as a real estate salesperson must have at least a high school diploma or its equivalent and shall have completed a course in the principles of real estate that carried an academic credit of at least four semester hours, but not less than sixty hours of classroom or correspondence or other distance learning instruction. The course shall be one offered by an accredited university, college, community college, high school offering adult distributive education courses, or other school or educational institution offering an equivalent course.

The course must include the following topics:

- economy and social impact of real estate;
- real estate market and analysis;
- property rights;
- contracts;
- deeds;
- mortgages and deeds of trust;
- types of mortgages;
- leases;
- liens;

- home ownership;
- real property and title insurance;
- investment;
- taxes in real estate;
- real estate financing;
- brokerage and agency contract responsibilities;
- real estate marketing;
- real property management;
- search, examination, and registration of title;
- title closing;
- appraisal of residential and income producing property;
- planning subdivision developments and condominiums;
- regulatory statutes;

- housing legislation;
- fair housing statutes; and
- Real Estate Board regulations.

Post-licensing educational requirements

New salesperson licensees are required to complete a post-license educational curriculum of at least thirty hours of classroom, or correspondence or other distance learning, instruction, in specified areas, within the first year of issuance of a license by the Real Estate Board. Failure of a new licensee to complete the thirty-hour curriculum within one year of obtaining a real estate salesperson's license shall result in nonrenewal by the Board of such license until the curriculum has been completed.

New licensees must complete the thirty hours of instruction within one year of the last day of the month of initial licensure. The thirty hours is in lieu of other continuing education requirements.

Beginning January 1, 2019, the thirty-hour post-license education curriculum for new real estate salesperson licensees consists of the following nine courses:

- Fair Housing, Americans with Disabilities Act and the Civil Rights Act of 1866 – two hours;
- Real Estate Law and Board Regulations – six hours;
- Ethics and Standards of Conduct – three hours;
- Current Industry Issues and Trends – two hours;

- Virginia Agency Law – three hours;
- Contract Writing – six hours;
- Risk Management – three hours;
- Escrow Requirements – including Deposits and Trust Monies – three hours; and
- Real Estate Related Finance – two hours.

Service in "lower" category

No relevant requirements were located.

Waiver of qualifications for some professionals

The Real Estate Board may waive the education or experience requirements for an applicant who is found to have education or experience equivalent to that required.

Applicants for a license by reciprocity must have:

- completed a course in the principles of real estate comparable in content and duration and scope to that required of in-state applicants or twelve semester hours of instruction in real estate courses that are comparable in content and duration and scope to that required of in-state applicants; and
- if currently licensed by another state, passed the Virginia examination.

Annual fees and filings

The fee to renew a broker's license is \$65. The license must be renewed every two years.

The initial fee for a salesperson's license is \$150, plus an examination fee of not more than \$90.

Applicant investigation

No relevant provisions were located.

Examinations

Examinations are administered by an outside vendor.

Applicants must submit their license applications within twelve months of passing the examination.

Other prerequisites

The applicant shall have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a real estate broker or a real estate salesperson in such a manner as to safeguard the interests of the public.

An applicant must be in good standing as a licensed real estate broker or salesperson in every jurisdiction where licensed and the applicant shall not have had a license as a real estate broker or real estate salesperson which was suspended, revoked or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia.

Applicants must disclose:

- all misdemeanor convictions involving moral turpitude, a sexual offense, drug distribution, or physical injury within five years of the date of application; and
- all felony convictions during his or her lifetime.

License applicants must be at least eighteen years old.

The application for salesperson by education and experience and for salesperson by reciprocity is \$150.

A business entity may act as a salesperson with a separate business entity salesperson's license from the Board. To obtain a business entity salesperson's license, every owner or officer who actively participates in the brokerage business of such entity must hold a license as a salesperson or broker from the Board.

No group of individuals consisting of one or more real estate brokers or real estate salespersons, or a combination thereof, may act as a real estate team without first obtaining a business entity salesperson's license from the Board.

Section 54.1-2105.01 amended 2018; § 54.1-2105 amended 2019; § 54.1-2106.1 amended 2019; § 54.1-2106.2 added 2012; regulations 135-20-90, -400 amended 1999; regulations 135-20-30, -40, -60, -80, -120 amended 2015; regulations 135-20-110 and 135-20-410 amended 2003; regulations 135-20-10 and 135-20-101 amended 2019.

[Va. Code §§ 54.1-2105, -2105.01, -2106.1, -2106.2 \(2019\); 18 V.A.C. 135-20-10, -30, -40, -60, -80, -90, -101, -110, -120, -400, -410 \(2019\); Va. Real Estate Board Post-License Education Requirements for New Salespersons \(last visited Nov. 8, 2019\); CE Requirements for Experienced Salespersons and Brokers \(last visited Nov. 8, 2019\); Pre-License Education Requirements \(last visited Nov. 8, 2019\)](#)

Washington

Washington, Continuing Education Approval

PROVIDER

General requirements

Approved courses may be offered by:

- a private entity approved by the Director of Licensing to operate as a school;

- a tax-supported, public technical or community college or other institution of higher learning that certifies clock hours, consistent with the approval standards prescribed by the Director and the Department of Licensing; or
- the Washington Real Estate Commission.

Approval applications

Any education provider or course developer may submit a course to the [Department of Licensing](#) for approval.

An application for approval of a course must be submitted to the Department on the appropriate application form provided by the Department.

The Director or designee will approve, disapprove, or conditionally approve applications based upon criteria established by the Real Estate Commission. Upon approval, disapproval or conditional approval, the applicant will be so advised in writing by the Department. Notification of disapproval must include the reasons for disapproval.

Distance learning course approval

Applicants are required to submit an application for each separate distance education delivery method for which they propose to offer approved courses. When submitting a distance education delivery method application, the following information must be provided by the applicant:

- the course learning objectives for each learning unit, with a clear demonstration that the learning objectives cover the subject matter and that they relate to the practice of real estate. Objectives must be specific to ensure that all content is covered adequately to ensure mastery;
- a demonstration of how mastery of the material is provided by:
 - dividing the material into major learning units, each of which divides the material into modules of instruction;

- specifying learning objectives for each learning unit or module of instruction. Learning objectives must be comprehensive enough to ensure that if all the objectives are met, the entire content of the course will be mastered; and
- specifying an objective, quantitative criterion for mastery used for each learning objective and providing a structured learning method designed to enable students to attain each objective;
- proof that the course includes the same or reasonably similar informational content as a course that would otherwise qualify for the requisite number of clock hours of classroom-based instruction and how the provider will know that the student completed the required number of clock hours;
- a description of consistent and regular interactive events appropriate to the delivery method. The interactive elements must be designed to promote student involvement in the learning process, and must directly support the student's achievement of the course learning objectives. The application must identify the interactive events included in the course and specify how the interactive events contribute to achievement of the stated learning objectives;
- a demonstration of how the course provides a mechanism of individual remediation to correct any deficiencies identified during the instruction and assessment process;
- measurement, at regular intervals, of the student's progress toward completion of the mastery requirement for each learning unit or module. In the case of computer-based instruction, the course software must include automatic shutdown after a period of inactivity;
- proof that approved instructors are available to answer questions regarding course content at reasonable times and by reasonable means, including in-person contact, individual and conference telephone calls, e-mail and fax;

- demonstration of how reasonable security will be provided to ensure that the student who receives credit for the course is the student who enrolled in and completed the course. Both the approved school and the student must certify in writing that the student has completed the course, and the required number of clock hours;
- a complete description of any hardware, software, or other technology to be used by the provider and needed by the student to effectively engage in the delivery and completion of the course material and an assessment of the availability and adequacy of the equipment, software, or other technologies to the achievement of the course's instructional claims;
- an orientation session with the instructor or an affiliated representative of an approved school. Mechanisms must be clearly in place which allow students an early orientation to discuss course specifics;
- how the provider determined the number of clock hours requested in the distance education delivery method approval application; and
- inclusion with each distance education delivery method approval application a copy of a course evaluation form. The provider must provide each student with the mandatory evaluation form and retain the completed form in the school records as required under the rules.

An applicant who provides evidence of certification of the distance education delivery method for a course by the Association of Real Estate License Law Officials (ARELLO) need not submit an application for approval of the same distance education delivery method when delivering the same course within Washington if a clock-hour enforcement mechanism is in place.

Advertising

Courses may not have a title which misleads the public as to the subject matter of the course.

Student records

Every school must maintain each student's record and each edition of a required publication for a minimum of five years.

A "student record" includes:

- the name, address, and telephone number of the school;
- full name, address, and telephone number of the student;
- beginning and ending dates of attendance and date of registration agreement if the refund policy relates to the registration date;
- clock hour courses completed and examination results; and
- the course evaluation form.

Each school must provide a copy of a student's record to the student upon request.

Certificates of completion

Each approved school shall issue a certificate of course completion to students who have satisfactorily completed the course requirements. The certificate shall include the following information:

- the student's name;
- the school's name and identification number issued by the Department of Licensing;
- the course commencement date and completion date;
- the course title;

- the clock hours for the course;
- the school administrator's signature;
- the course identification number issued by the department;
- the instructor name and number; and
- the completion of a required examination, if applicable.

Other submissions

The course approval application shall identify learning objectives and demonstrate how these are related to the practice of real estate.

The application fee for mandated course content approval is \$10.00 per clock-hour credit offered, and \$10.00 per clock-hour credit offered, with a \$100 minimum per non-mandated course. The application fee for school approval is \$250.

The application fee for two-year approval of an instructor to teach a course is \$75.00 and the fee for approval to add topics to a current instructor approval is \$25.00.

CONTENT

Approved courses must provide practical information related to the practice of real estate in any of the following real estate topic areas:

- fundamentals;
- practices (residential or commercial);

- advanced practices (residential or commercial);
- real estate law;
- advanced real estate law;
- core curriculum (residential, commercial, or property management);
- brokerage management;
- business management;
- legal aspects;
- taxation;
- appraisal;
- evaluating real estate and business opportunities;
- property management and leasing;
- construction and land development;

- ethics and standards of practice;
- real estate closing practices;
- current trends and issues;
- principles/essentials;
- finance;
- hazardous waste and other environmental issues;
- commercial;
- real estate sales and marketing;
- instructor development;
- consumer protection;
- cross-cultural communication;
- advanced management practices; or
- the use of computers and/or other technologies as applied to the practice of real estate.

The following types of courses will not be approved for clock hours:

- mechanical office and business skills, such as keyboarding, speed-reading, memory improvement, language, and report writing;
- orientation courses for licensees, such as those offered by trade associations;
- personal and sales motivation courses or sales meetings held in conjunction with a licensee's general business;
- courses designed or developed for other professions, unless each component of the curriculum and content specifically shows how a real estate licensee can utilize the information in the practice of real estate;
- personal finance, etiquette, or motivational type courses; and
- courses designed to promote or offer to sell specific products or services to real estate licensees.

Clock hours will not be awarded for any course time devoted to meals or transportation.

MATERIALS

Applications for course approval must include the textbook or instructional materials. The materials must be approved by the Director of Licensing.

INSTRUCTOR QUALIFICATIONS

Each instructor must demonstrate competency based on guidelines established by the Real Estate Commission in the subject matter or topic that he or she proposes to teach and shall be qualified in techniques of instruction.

Instructor qualifications in techniques of instruction shall be evidenced by one of the following:

- one hundred fifty classroom hours as an instructor within two years preceding application in courses acceptable to the Director;
- possession of the professional designation, DREI, from the Real Estate Educators Association (REEA);
- successful completion of an instructor training course approved by the director upon recommendation of the commission and two years full-time experience in real estate or a related field within the five years immediately preceding the date of application;
- a bachelor's or advanced degree in education and either two years teaching experience, or two years experience in real estate or a related field within the last five years;
- a current teaching certificate issued by an authorized governmental agency. The instruction must have been in a field allied to that which the instructor has applied to teach;
- at least ninety clock hours as an instructor in real estate within two years preceding the application;
- ninety hours as an instructor at an institution of higher learning within two years preceding the application. The instruction must have been in a field allied to that which the instructor has applied to teach; or
- selection by a national or state association whose selection criteria have been approved by the director.

PRIOR APPROVAL REQUIREMENTS

Approval timing

Course approval by the Department of Licensing is required prior to the date on which the course is offered for clock hour credit. Approval expires four years after the effective date of approval, except for the core course which expires after two years.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

Examinations are not required in continuing education courses.

Proctors

No relevant provisions were located.

Section 18.85.211 amended 2008, effective 2010; regulation sections added 2010; 308-124H-805 amended 2015; 308-124H-845 amended 2013; 308-124H-990 amended 2014.

[Wash. Rev. Code § 18.85.211 \(2019\)](#); [Wash. Admin. Code 308-124H-805](#); [-820](#), [-840](#), [-845](#), [-855](#), [-935](#), [-960](#), [-990 \(2019\)](#)

Washington, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

Inactive licensees are exempt from continuing education requirements.

Required hours

All licensees must complete a total of thirty clock hours of instruction every forty-eight months in real estate courses approved by the Director of Licensing in order to renew their licenses. Up to fifteen clock hours of instruction beyond the thirty hours in the immediately preceding two years may be carried forward for credit in a subsequent two-year period.

A minimum of fifteen clock hours must be completed within twenty-four months of the licensee's current renewal date. A portion of that fifteen must include three hours of the prescribed core curriculum.

Minimum class length

Approved classes must have at least three hours of course work or instruction for the student. A clock-hour is a period of fifty minutes of actual instruction.

Subjects

A licensee must complete three clock hours of core curriculum continuing education approved by the Director of the Licensing. Core curriculum continuing education is a specific course of study, recommended by the Real Estate Commission for approval by the Director that provides practical information on contemporary issues relating to the practice of real estate. The Commission may recommend multiple core curricula to address residential, commercial and property management disciplines or may recommend readoption of the same core curriculum if appropriate. Core curriculum may be developed in a separate three clock-hour course or may be three clock hours contained within an approved thirty or less clock-hour course.

Attendance Requirements

Approved schools are required to make available to prospective and enrolled students the school's attendance requirements, and policies regarding leave, absences, makeup work, and tardiness.

Online classes

No restrictions on the use of online classes to meet continuing education requirements were located.

Other requirements

The use of guest lecturers is limited to no more than fifteen minutes per clock hour, while the approved instructor is present.

ASSOCIATE (OR OTHER) BROKER REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

Effective July 1, 2010, associate broker licenses continue in effect as managing brokers' licenses.

SALESPERSON OR AGENT REQUIREMENTS

Except for the educational requirements for the first renewal of a salesperson's license (see "LICENSING PREREQUISITES"), all real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

Effective July 1, 2010, salesperson licenses will continue in effect as brokers' licenses.

SPECIALTY LICENSE REQUIREMENTS

Land Development Representative

No relevant provisions were located. Effective July 1, 2010, land development representative licenses are no longer issued.

Section 18.85.061 amended 2016, §18.85.211 amended 2008; § 18.85.481 added 2008; regulation sections added 2010; regulations 308-12A-790 amended 2014; 308-124H-970 amended 2013.

[Wash. Rev. Code §§ 18.85.061, .211, .481 \(2019\); Wash, Admin. Code 308-124A-790; -800, -820, -907; 308-124H-970 \(2019\)](#)

Washington, Licensing Categories

BROKER

A "real estate broker" is defined as any person who renders or offers to render any of the following services for compensation, or on his or her own behalf:

- listing, selling, purchasing, exchanging, optioning, leasing, renting of real estate, or any real property interest therein, or any interest in a cooperative, or a floating home or floating on-water residence;
- negotiating or offering to negotiate, the purchase, sale, exchange, lease, or rental of real estate, or any real property interest therein; or any interest in a cooperative;
- listing, selling, purchasing, exchanging, optioning, leasing, renting, or negotiating the purchase, sale, lease, or exchange of a manufactured or mobile home in conjunction with the purchase, sale, lease, exchange, or rental of the land upon which the manufactured or mobile home is or will be located;
- advertising or holding oneself out to the public as being engaged in real estate brokerage services;
- advising, counseling, or consulting buyers, sellers, landlords, or tenants in connection with a real estate transaction;
- issuing a broker's price opinion;
- collecting, holding, or disbursing funds in connection with the negotiating, listing, selling, purchasing, exchanging, optioning, leasing, or renting of real estate or any real property interest; and
- performing property management services, including marketing; leasing; renting; the physical, administrative, or financial maintenance of real property; or the supervision of those actions.

ASSOCIATE [OR OTHER] BROKER

Managing Broker

A "managing broker" is defined as a natural person acting on behalf of a real estate firm to perform real estate brokerage services under the supervision of a designated broker, and who may supervise other brokers or managing brokers licensed to the firm.

SALESPERSON OR AGENT

Effective July 1, 2010, Washington no longer issues salespersons' licenses.

Prior to that date, a "real estate salesperson" or "salesperson" was defined as any natural person employed, either directly or indirectly, by a real estate broker, or any person who represents a real estate broker in the performance of any of the acts performed by a broker.

SPECIALIST CATEGORIES

Branch Manager

A Washington-licensed managing broker may apply for a branch manager endorsement. A branch manager is not separately licensed. See [Wash. Dep't of Licensing, "Branch Managers: Real Estate" \(last visited Nov. 6, 2019\)](#).

Designated Broker

A Washington-licensed managing broker may apply for a designated broker endorsement for a firm in which he or she has a controlling interest. A designated broker is not separately licensed. See [Wash. Dep't of Licensing, "Designated Brokers: Real Estate" \(last visited Nov. 6, 2019\)](#).

Land Development Representative

Effective July 1, 2010, Washington no longer issues land development representative licenses.

Section 18.85.811 amended 2017.

[Wash. Rev. Code § 18.85.011 \(2019\)](#)

Washington, Licensing Exemptions

The licensing laws do not apply to:

- any person who purchases property and/or a business opportunity for his or her own account, or that of a group of which he or she is a member, or who, as the owner or part owner of property, and/or a business opportunity, in any way disposes of the same;
- any duly authorized attorney in fact acting without compensation, or an attorney at law in the performance of his or her duties;
- any receiver, trustee in bankruptcy, executor, administrator, guardian, or any person acting under the order of any court, or selling under a deed of trust;
- any secretary, bookkeeper, accountant, or other office personnel who does not engage in any conduct or activity specified in the definitions of broker or salesperson;
- with respect to the rental or lease of individual storage space, any person who owns or manages a self-service storage facility;
- employees of governmental entities involved in an acquisition of property for right-of-way or eminent domain;

- any person providing referrals to licensees who is not involved in the negotiation, execution of documents, or related real estate brokerage services, and compensation is not contingent upon receipt of compensation by the licensee;
- certified public accountants if they do not promote the purchase, listing, sale, exchange, optioning, leasing, or renting of a specific real property interest;
- title or escrow companies, escrow agents, attorneys, or financial institutions acting as escrow agents if they do not promote the purchase, listing, sale, exchange, optioning, leasing, or renting of a specific real property interest;
- common interest community managers who, in an advisory capacity and for compensation or in expectation thereof, provide management or financial services, negotiate agreements to provide such services, or represent themselves as providing management or financial services to an association governed by Washington law, if they do not promote the purchase, listing, sale, exchange, optioning, leasing, or renting of a specific real property interest, regardless of whether a common interest community manager acts as an independent contractor to, employee of, general manager or executive director of, or agent of an association;
- investment counselors if they do not promote the purchase, listing, sale, exchange, optioning, leasing, or renting of a specific real property interest; and
- any person employed or retained by, for, or on behalf of the owner or on behalf of a designated or managing broker if the person is limited in property management to any of the following activities:
 - delivering leasing documents to any person;
 - receiving a lease application or lease, a security deposit, rental payment, or any related payment for the real estate firm or owner;

- showing a rental unit, or executing leases or rental agreements, if the person is acting under the direct instruction of the owner or designated or managing broker;
- providing information about a rental unit, a lease, an application for lease, or a security deposit and rental amounts to any prospective tenant; or
- assisting in the performance of property management by carrying out administrative, clerical, financial, or maintenance tasks.

Section 18.85.151 amended 2012.

[Wash. Rev. Code § 18.85.151 \(2019\)](#)

Washington, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

An applicant for a broker's license must show evidence of the successful completion of ninety hours of instruction in real estate.

The instruction is prescribed by the [Director of the Department of Licensing](#), and includes fundamentals and practice. Each course must be:

- completed within two years prior to applying for the broker's license examination; and
- approved by the Director of Licensing.

Service in "lower" category

The experience requirement for a broker's license was repealed, effective July 1, 2010.

Waiver of qualifications for some professionals

The Director may allow for substitution of the clock-hour education requirements if the Director makes a determination that the individual is otherwise and similarly qualified by reason of completion of equivalent educational coursework in any institution of higher education or any degree-granting institution approved by the director.

Annual fees and filings

The fee for an original broker's license and for renewal of a broker's license is \$146.25, plus fingerprinting fees when applicable. A \$10 for the real estate research account is assessed on each broker's original license and upon the renewal thereof.

The application/examination fee for a broker's license is \$138.25.

Applicant investigation

The Director of Licensing may require an applicant to furnish other proof concerning the honesty, truthfulness, and good reputation, as well as the identity, which may include fingerprints and criminal background checks, of any applicants for a license, or of the officers of a corporation, limited liability company, other legally recognized business entity, or the partners of a limited liability partnership or partnership, making the application.

Unless a license applicant is a corporation or limited liability company, applicants must complete a fingerprint-based background check through the Washington state patrol criminal identification system and through the Federal Bureau of Investigation. The Director may consider the recent issuance of a license that required a fingerprint-based national criminal information background check, or recent employment in a position that required a fingerprint-based national criminal information background check, in addition to fingerprints to accelerate the licensing and endorsement process.

Fingerprints are required for every active license renewal every six years.

Examinations

The Director of Licensing shall provide each original applicant for an examination with a sample list of questions and answers pertaining to real estate law and the operation of the business and may provide the same at cost to any licensee or to other members of the public.

The written examination must ascertain that each applicant has:

- appropriate knowledge of the English language, including reading, writing, spelling, and mathematics;
- an understanding of the principles of conveying real estate, the general purposes and legal effect of deeds, finance contracts, and leases;
- an understanding of the principles of real estate investment, property valuation, and appraisals;
- an understanding of real estate broker agency relationships;
- an understanding of the principles of real estate practice and the canons of business ethics pertaining thereto; and
- an understanding of the provisions of the real estate licensing laws.

Other prerequisites

The minimum requirements for an individual to receive a broker's license are that the individual:

- is eighteen years of age or older; and

- has a high school diploma or its equivalent.

Applicants for a broker's license may commence working on or after the postmark date of delivery to the Department of the following:

- notice of passing the examination;
- license application form;
- verification that the Department's authorized vendor fingerprint process was followed; and
- the license fees.

The completed license application form will serve as an interim license for a period up to forty-five days.

A broker's license may be renewed upon completion of continuing education courses and payment of the renewal fee as prescribed by the Director of Licensing. The education requirements for the first renewal of the broker's license include ninety hours of courses from a prescribed curriculum, including real estate law, advanced practices, and thirty hours of continuing education, including the core curriculum.

Firm licensees

A firm applicant must designate a managing broker who has the authority to act for the firm. Applicants must also provide the following:

- the firm name and unified business identifier number;

- Washington business mailing and street address, contact telephone number, if any, and a mailing and physical address for either the firm's trust account or business records location, or both;
- the firm's Internet home page site and business e-mail address, if any;
- the application fee prescribed by the Director; and
- any other information the director may require.

The real estate firm original license and renewal fee are each \$200.

MANAGING BROKER QUALIFICATIONS

Education

An applicant for a managing broker's license must show evidence of the successful completion of ninety hours of instruction in real estate. The instruction must include courses prescribed by the Director of Licensing in brokerage management, advanced real estate law, and business management. The Director may accept other related education. Each course must be:

- completed within three years prior to applying for the managing broker's license examination;
- at least thirty clock hours; and
- approved by the Director of Licensing.

Courses in advanced real estate law, real estate brokerage management, and business management, used to satisfy continuing education requirements within three years of applying for the managing broker's examination, will satisfy the educational requirements if the applicant successfully completed a comprehensive examination.

The applicant must pass a course examination, approved by the Director, for each course used to satisfy the managing broker's license requirement.

Service in "lower" category

An applicant must have a minimum of three years of licensed experience as a full-time real estate broker in Washington or in another state having comparable requirements within the five years prior to applying for the managing broker's license examination.

Waiver of qualifications for some professionals

The Director may allow an applicant to substitute real estate broker experience with practical experience in a business allied with or related to real estate. Examples of experience that will qualify include:

- postsecondary education with major study in real estate together with one year experience as a real estate broker actively licensed in good standing in Washington or another state, U.S. possession, or foreign jurisdiction with similar licensing standards;
- full-time experience as an attorney in good standing with practice in real estate transactions for not less than one year;
- five years' full-time experience as a licensed mortgage broker or loan originator in good standing;
- five years' full-time experience as a licensed limited practice officer or escrow agent in good standing;
- five years' full-time experience as a licensed or certified real property appraiser in good standing; or

- five years' full-time experience managing, leasing, selling, or buying real property on behalf of a third-party corporation, limited liability company, or partnership.

All such experience must have been completed within the six years immediately preceding the date of application.

Applicant investigation

The Director of Licensing may require an applicant to furnish other proof concerning the honesty, truthfulness, and good reputation, as well as the identity, which may include fingerprints and criminal background checks, of any applicants for a license, or of the officers of a corporation, limited liability company, other legally recognized business entity, or the partners of a limited liability partnership or partnership, making the application.

Applicants for their first managing broker's license by alternate means must submit a fingerprint card.

Examinations

Managing broker applicants will be required to pass a managing broker's examination. The examination "shall be more exacting than that for real estate brokers," but may cover the same subjects.

Other prerequisites

The minimum requirements for an individual to receive a broker's license are that the individual:

- is eighteen years of age or older; and
- has a high school diploma or its equivalent.

The examination/application fee for a managing broker is \$138.25, plus fingerprinting fees when applicable. The original license fee is \$210. The license renewal fee is \$210, plus fingerprinting fees when applicable. A \$10 for the real estate research account is assessed on each managing broker's original license and upon the renewal thereof.

Corporate licensees

In order for a firm to be granted a license, the firm must:

- designate a managing broker as the "designated broker" who has authority to act for the firm;
- provide the Director with the name of the owner or owners or any others with a controlling interest in the firm;
- assure that no person with controlling interest in the firm is the subject of a final departmental order suspending or revoking any type of real estate license; and
- not adopt a name that is the same or similar to currently issued licenses or that implies the real estate firm is a nonprofit or research organization, or is a public bureau or group.

Generally, if a license applicant is a legally recognized business entity, except a general partnership, it must be registered with the Secretary of State and must furnish a list of governors that includes:

- for corporations, a list of officers and directors and their addresses;
- for limited liability companies, a list of members and managers and their addresses;
- for limited liability partnerships, a list of the partners and their addresses; or
- for other legal business entities, a list of the governors and their addresses.

If the applicant is a general partnership, it must furnish a copy of the signed partnership agreement and a list of the partners and their addresses.

SALESPERSON OR AGENT QUALIFICATIONS

Effective July 1, 2010, salesperson's licenses are no longer issued. Existing salesperson's licenses were continued as brokers' licenses.

SPECIALIST QUALIFICATIONS

Land development representative

Effective July 1, 2010, land development representative licenses are no longer issued.

Sections 18.85.101, .141 amended 2008; § 18.85.171 amended 2019; §§ 18.85.091, .111, and .121 added 2008; § 18.85.451 amended 2015; regulation sections added 2010; regulations 308-124A-727, -775 amended 2016; regulation 308-124A-750 amended 2011; regulations 308-124A-700, -713 amended 2018.

[Wash. Rev. Code §§ 18.85.091, .111, .101, .121, .141, .171, .451 \(2019\); Wash. Admin. Code 308-124A-700, -713, -727, -750, -775, -785 \(2019\)](#)

West Virginia

West Virginia, Continuing Education Approval

PROVIDER

General requirements

Approval from the [West Virginia Real Estate Commission](#) must be obtained by each provider and instructor and for any course prior to any advertising or offering of a course.

Real estate-related continuing education courses provided by or approved by the Real Estate Appraiser Licensing and Certification Board, the Department of Highways, the West Virginia State Bar or other agency of this state shall be recognized as approved by the Commission.

A course provider or instructor may not promote any product or service while offering or conducting any continuing education course.

Approval applications

All approved course providers shall make application to the Real Estate Commission for approval of every continuing education course on forms supplied by the Commission. Each application shall be accompanied by the appropriate registration fee which is nonrefundable. The application shall be accompanied by a copy of all course materials proposed to be used in the course, a copy of any proposed advertisements and any other information that may be required by the Commission.

Distance learning course approval

Effective January 1, 2012, the Real Estate Commission will approve only those prelicense and continuing education courses offered through distance learning formats that have already been certified by the Association of Real Estate License Law Officials (ARELLO).

Advertising

Copies of proposed advertisements must be submitted as a part of the application for approval.

Student records

Each course provider must maintain records indicating:

- the student's name and address;
- the completion date of the course;
- the course title; and
- the amount of hours awarded.

The records must be maintained for a minimum period of five years and are open to inspection by the Real Estate Commission or its authorized representative. Each approved provider shall annually supply the Commission with a comprehensive list of all students who have completed a course in continuing education at their institution during the fiscal year July 1 through June 30 no later than July 15 of the succeeding fiscal year.

Certificates of completion

No requirements explicitly requiring certificates of completion were located. A certificate of completion may not be issued to a student in a distance learning course until the student has passed the comprehensive examination.

Other submissions

The registration fees for providers and instructors are a \$50 initial approval fee and \$35 annual renewal fee. For course, an initial approval fee of \$75 and \$50 annual renewal fee apply.

CONTENT

All continuing education courses should contribute directly to the professional competence of the individual. The Real Estate Commission will approve courses that deal with real estate related subjects including but not limited to real estate law, agency, ethics, civil rights, equal opportunity, appraisal, contract law, finance, and principal/agent relationships.

Program content must be current. The minimum length of a continuing education course is three hours with each hour equaling fifty minutes of instruction. The Commission determines the amount of credit to be awarded for each course.

MATERIALS

Materials used in programs should be developed by qualified individuals for use with specified teaching methods.

A provider must submit all course materials to the Real Estate Commission at the time approval is requested.

INSTRUCTOR QUALIFICATIONS

Each instructor shall apply for and be approved prior to instructing any real estate course. This requirement shall not apply to any guest speaker or to any instructor or professor of a post-secondary educational institution that is accredited by an accrediting agency officially recognized by the United States Department of Education.

An instructor will be approved by the Commission only if he or she:

- is an attorney at law with a minimum of five years of active practice in the area of study he or she proposes to teach;
- holds a degree in real estate from an accredited college or university;

- is a licensed real estate broker, associate broker, or salesperson with a minimum of five years experience in the area of study he or she proposes to teach;
- holds a degree from an accredited college or university and has at least two years of teaching experience and possesses a minimum of two hundred classroom hours in the area of study he or she proposes to teach; or
- has a minimum of five years of professional or educational experience as a teacher in the area of study he or she proposes to teach.

Instructors of distance education courses must obtain Distance Education Instructor Certification from IDECC (International Distance Education Certification Center) prior to their application for approval by the Commission and must submit verification of the certification.

PRIOR APPROVAL REQUIREMENTS

Approval timing

Approval must be obtained prior to any advertising or offering of a course.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

Examinations are not required, except in distance learning classes.

Proctors

No relevant provisions were located.

Section 30-40-16 added 2002; regulations renumbered/revised 2018 effective July 1, 2018.

[W. Va. Code § 30-40-16 \(2019\); W. Va. Code St. R. §§ 174-2-2; -3-3 \(2018\)](#)

West Virginia, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

Licensees whose licenses are inactive are not required to comply with the continuing education requirements.

Licensees who have held a license continuously since July 1, 1969, are exempt from continuing education requirements.

Licensees who qualified to obtain an original license in the fiscal year preceding the annual renewal date may renew their licenses without showing proof of continuing education.

Required hours

Every licensee shall complete seven hours of continuing professional education for each fiscal year, with each hour equaling fifty minutes of instruction.

Minimum class length

Courses must be at least three hours long.

Subjects

Approved courses must deal with real estate related subjects including but not limited to real estate law, agency, ethics, civil rights, equal opportunity, appraisal, contract law, finance, and principal/agent relationships.

Courses taken to satisfy the then-current continuing education requirement may not be the same as courses taken for the previous license renewal.

Attendance requirements

No relevant provisions were located.

Online classes

Distance education courses may be used to satisfy the continuing education requirements. Effective July 1, 2010, the Real Estate Commission will approve only those distance learning courses that have been certified by the Association of Real Estate License Law Officials (ARELLO).

Other requirements

It is the responsibility of the broker to see that all licensees in his or her employ comply with the continuing education requirements prior to applying for a renewal of their licenses.

If a non-resident's jurisdiction has a comparable continuing education requirement and recognizes West Virginia continuing education credits as fulfilling that jurisdiction's continuing education requirement, the Commission will accept continuing education credits earned in the other jurisdiction.

Instructors of continuing education courses may obtain credit toward their continuing education requirements in the same amount as the number of hours awarded to the students in the course, but only for the first time the course is taught. No credit will be given for subsequent teaching of the same course.

ASSOCIATE (OR OTHER) BROKER REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SALESPERSON OR AGENT REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)]

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section 30-40-16 added 2002; regulations renumbered/revised 2018, effective July 1, 2018.

West Virginia, Licensing Categories

BROKER

A "broker" is any person who, for compensation or with the intention or expectation of receiving or collecting compensation:

- lists, sells, purchases, exchanges, options, rents, manages, leases or auctions any interest in real estate;
- directs or assists in the procuring of a prospect calculated or intended to result in a real estate transaction; or
- advertises or holds himself or herself out as engaged in, negotiates or attempts to negotiate, or offers to engage in any activity enumerated above.

ASSOCIATE [OR OTHER] BROKER

"Associate broker" means any person who qualifies for a broker's license, but who is employed or engaged by a licensed broker to engage in any activity regulated by the real estate licensing laws, in the name of and under the direct supervision of the licensed broker.

SALESPERSON OR AGENT

A "salesperson" is a person, other than an associate broker, employed or engaged by or on behalf of a broker to do or deal in any activity regulated by the real estate licensing laws, in the name of and under the direct supervision of a broker.

SPECIALIST CATEGORIES

No relevant provisions were located.

Section 30-40-4 added 2002.

[W. Va. Code § 30-40-4 \(2019\)](#)

West Virginia, Licensing Exemptions

The practice of real estate brokerage does not include the activities normally performed by an appraiser, mortgage company, lawyer, engineer, contractor, surveyor, home inspector or other professional who may perform an ancillary service in conjunction with a real estate transaction.

The real estate licensing laws do not apply to:

- any person acting on his or her own behalf as owner or lessor of real estate;
- the regular employees of an owner of real estate, who perform any acts regulated by this article, where the acts are incidental to the management of the real estate;
- attorneys-at-law;
- any person holding, in good faith, a valid power of attorney from the owner or lessor of the real estate;
- any person acting as a receiver, trustee, administrator, executor, guardian, conservator or under the order of any court or under the authority of a deed of trust or will;
- a public officer while performing his or her official duties;
- any person acquiring or disposing of any interest in timber or minerals, or acquiring or disposing of properties for easements and rights-of-ways for pipelines, electric power lines and stations, public utilities, railroads or roads;
- any person employed exclusively to act as the management or rental agent for the real estate of one person, partnership or corporation;

- any person properly licensed as an auctioneer when conducting an auction, any portion of which contains any leasehold or estate in real estate, only when the person so licensed is retained to conduct an auction by:
 - a receiver or trustee in bankruptcy;
 - a fiduciary acting under the authority of a deed of trust or will; or
 - a fiduciary of a decedent's estate; or
- any person employed by a broker in a noncommissioned secretarial or clerical capacity who may in the normal course of employment, be required to:
 - disseminate brokerage preprinted and predetermined real estate sales and rental information;
 - accept and process rental reservations or bookings for a period not to exceed thirty consecutive days in a manner and procedure predetermined by the broker;
 - collect predetermined rental fees for the rentals which are to be promptly tendered to the broker;
 - make appointments on behalf of the broker or licensed salesperson with buyers and sellers of real estate and potential buyers and sellers of real estate; or
 - any combination thereof.

Section 30-40-5 amended 2005.

[W. Va. Code § 30-40-5 \(2019\)](#)

West Virginia, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

An applicant for a broker's license shall provide evidence satisfactory to the [West Virginia Real Estate Commission](#) that he or she has completed at least one hundred eighty clock-hours, equivalent to twelve college semester credit hours, in a course or courses approved by the Commission. An applicant for a broker's license who holds a West Virginia salesperson's license is only be required to provide evidence that he or she has completed ninety clock-hours, equivalent to six college semester hours, in a course or courses approved by the commission.

The course prescribed for applicants for a broker's license consists of:

- 30 clock hours - Brokerage Operation and Management;
- 25 clock hours - Human Resources Management and Interpersonal Skills; and
- 35 clock hours - West Virginia-Specific Real Estate for Brokers

In order to sit for the real estate examination, an applicant must score 70% or higher in each subject area. "After a student has successfully completed an approved pre-license education course, the approved provider must supply the student with a certificate of course completion which certifies the student's name and address, 90% attendance but for absences excused in accordance with Commission policy, the course completion date, the number of hours in each subject area, and the score of 70% or higher."

In order to be accepted by the Commission, any course must have been completed during the five-

year period preceding the date of application.

Service in "lower" category

An applicant for a broker's license must serve an apprenticeship as a licensed salesperson for two years or produce evidence satisfactory to the Real Estate Commission, in its sole discretion, of real estate experience equivalent to two years full-time experience as a licensed salesperson.

"Apprenticeship" is defined as a broker-salesperson relationship wherein the salesperson apprentice is taught the methods, techniques and terminology of the real estate business under the guidance and direction of a broker. In order to satisfy the apprenticeship requirement, the applicant must submit to the Commission written documentation outlining the applicant's experience in the real estate business. The documentation must demonstrate that the applicant has gained experience in all aspects of the real estate business equal to that which would be gained by a person engaged in the real estate business on a full time basis during a minimum two year period of time.

In order for the Commission to determine the experience of an applicant for a broker's license, the applicant shall submit a complete list of all the real estate transactions in which the applicant has been involved. The information submitted must, at a minimum, cover the current calendar year and the preceding two calendar years.

Every broker with whom a real estate salesperson has been employed shall furnish the Commission with an affidavit attesting to the applicant's experience and qualifications. The broker shall submit the affidavit on a form prepared by the Commission.

Waiver of qualifications for some professionals

An applicant for a broker's license may qualify for waiver of all or part of the two year apprenticeship requirement under the following guidelines:

- four or more years full-time experience as a licensed real estate appraiser within the last ten years;
- four or more years full-time experience as a trust officer handling real property within the last ten years;
- four or more years full-time experience as a subdivider, developer, or general contractor who has developed, financed and sold fifty or more lots, residential units or commercial

units within the last ten years. To qualify under this provision, the applicant must have been directly involved in all phases of the development activities;

- four or more years full-time experience as a loan officer of a bank, lending institution, or mortgage company in a capacity directly related to the financing of real estate within the last ten years; or
- licensure as a real estate broker in another jurisdiction within the past five years. If an applicant for a broker's license is licensed in another jurisdiction as a broker at the time the application is submitted to the Real Estate Commission, he or she shall be granted a full waiver of the apprenticeship requirement.

Annual fees and filings

A broker's license certificate is valid for a period that coincides with the fiscal year beginning on July 1 and ending on June 30. The annual fee for a broker's license is \$150 per year.

The examination fee is \$96, not to exceed the actual cost of conducting the exam, if provided by an accredited examination provider. The original application fee is \$25.00.

Applicant investigation

An applicant must submit fingerprints for a national criminal records check by the Criminal Identification Bureau of the West Virginia State Police, and the FBI. An applicant must pay the actual cost of the fingerprinting and criminal history record check. A West Virginia-licensed attorney may submit a letter of good standing from the Clerk of the W.V. Supreme Court of Appeals in lieu of submitting a criminal history check.

The Real Estate Commission may deny an application for license upon satisfactory proof that a licensee has been convicted of a felony or is engaged in conduct, or committed other acts, practices or acts constituting professional negligence or a willful departure from accepted standards of professional conduct in violation of the real estate licensing statutes or the rules of the Commission. Investigations of alleged violations will be conducted if a written complaint is received.

Examinations

Applicants for a broker's license are required to pass a written examination. An approval for taking the examination is valid for three months from the date of approval and for no more than two attempts at passing the examination.

An applicant, upon successfully passing the required examination must pay the required license fee within three months from the date of passing the exam. The Commission will cancel the application of any applicant who does not pay the required license fee within three months, and the applicant will be required to reapply and successfully pass the examination.

Other prerequisites

The application for an original license must include the recommendation of at least two persons who:

- are property owners at the time of signing the application;
- have been property owners for at least twelve months preceding the signing of the application;
- have known the applicant for at least two years;
- are not related to the applicant;
- are not affiliated with the applicant as an employer, partner or associate or with the broker that will employ the applicant;
- believe the applicant bears a good reputation for honesty, trustworthiness and fair dealing; and

- believe the applicant is competent to transact the business of a real estate broker or associate broker, as the case may be, in a manner that would protect the interest of the public.

Applicants must submit a clear record indicating all jurisdictions where the applicant holds or has held any professional license, and a clear record indicating if the applicant has been convicted of any criminal offense or if there is any criminal charge pending against the applicant, or a member or officer of the brokerage business, at the time of application.

Applicants must be at least eighteen years of age and a high school graduate or the holder of an equivalency diploma.

Corporate licensees

No broker's license will be issued in the name of a corporation, association or partnership except through one of its members or officers. A broker's license shall be issued in the name of a corporation, association or partnership only if each member or officer who will engage in the real estate business obtains a license as a real estate salesperson or associate broker.

To be designated as a broker for a partnership, association, corporation, or other form of business organization, "the governing body of the business organization must execute a subordination resolution which grants full authority to the partner/member/officer acting as the broker for the business organization. The subordination resolution must be submitted on a form prescribed by the Commission and be sworn to and notarized."

ASSOCIATE (OR OTHER) BROKER QUALIFICATIONS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON OR AGENT QUALIFICATIONS

Education

Applicants for a salesperson's license must provide evidence satisfactory to the Real Estate Commission that he or she has completed ninety clock-hours, equivalent to six college semester credit hours, in a course or courses approved by the commission.

The ninety hour (six credit hour) course prescribed for applicants for a salesperson's license shall consist of:

- 30 clock hours - Real Estate Principles and Practice;
- 20 clock hours - Real Estate Law;
- 20 clock hours - Real Estate Finance;
- 20 clock hours - Real Estate Appraisal.

In order to sit for the real estate examination, an applicant must score 70% or higher in each subject area. "After a student has successfully completed an approved pre-license education course, the approved provider must supply the student with a certificate of course completion which certifies the student's name and address, 90% attendance but for absences excused in accordance with Commission policy, the course completion date, the number of hours in each subject area, and the score of 70% or higher."

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

No relevant provisions were located.

Annual fees and filings

A salesperson's license certificate is valid for a period that coincides with the fiscal year beginning on the first day of July and ending on the thirtieth day of June. The annual fee for a broker's license is \$75 per year.

The examination fee is \$96, not to exceed the actual cost of an examination if provided by an accredited examination provider, paid at time of examination. The original application fee is \$25.00.

Applicant investigation

Effective July 11, 2013, an applicant must submit to a state and national criminal history record check based on fingerprints submitted to the West Virginia State Police, or its agent, for forwarding to the FBI. An applicant must pay the actual cost of the fingerprinting and criminal history record check. A West Virginia-licensed attorney may submit a letter of good standing from the Clerk of the W.V. Supreme Court of Appeals in lieu of submitting a criminal history check.

The required criminal history records must have been requested no more than three months prior to the application for license being filed with the Commission. The records expire three months after the date the Commission receives the application.

The Real Estate Commission may deny an application for license upon satisfactory proof that a licensee has been convicted of a felony or is engaged in conduct, or committed other acts, practices or acts constituting professional negligence or a willful departure from accepted standards of professional conduct in violation of the real estate licensing statutes or the rules of the Commission. Investigations of alleged violation will be conducted if a written complaint is received.

Examinations

Applicants are required to pass a written examination. An approval for taking the examination is valid for three months from the date of approval and for no more than two attempts at passing the examination.

An applicant, upon successfully passing the required examination must pay the required license fee within three months from the date of passing the exam. The Commission will cancel the application of any applicant who does not pay the required license fee within three months, and the applicant will be required to reapply and successfully pass the examination.

Other prerequisites

The application for an original license must include the recommendation of at least two persons who:

- are property owners at the time of signing the application;
- have been property owners for at least twelve months preceding the signing of the application;
- have known the applicant for at least two years;
- are not related to the applicant;
- are not affiliated with the applicant as an employer, partner or associate or with the broker that will employ the applicant;
- believe the applicant bears a good reputation for honesty, trustworthiness and fair dealing; and
- believe the applicant is competent to transact the business of a real estate salesperson in a manner that would protect the interest of the public.

Applicants must submit a clear record indicating all jurisdictions where the applicant holds or has held any professional license, and a clear record indicating if the applicant has been convicted of any criminal offense or if there is any criminal charge pending against the applicant, or a member or officer of the brokerage business, at the time of application.

Applicants must be at least eighteen years of age and a high school graduate or the holder of an equivalency diploma.

SPECIALIST QUALIFICATIONS

No relevant provisions were located.

Sections 30-40-11 amended 2013; section 30-40-12, -13, -14, -17 added 2002; regulations renumbered/revised 2018 effective July 1, 2018.

[W. Va. Code §§ 30-40-11, -12, -13, -14, -17 \(2019\); W. Va. Code St. R. §§ 174-1-4, 5, -6, -7, -8, -10 -2-2, -3-3, -4-3 \(2018\)](#)

Wisconsin

Wisconsin, Continuing Education Approval

PROVIDER

General requirements

Only schools and instructors that have been approved by the [Real Estate Examining Board](#) may offer continuing education courses which will be accepted by the Board. Schools must file an application with the Board and show that their courses contain all of the contents required by the Board. The Board does not approve other real estate courses which are available to licensees in Wisconsin or elsewhere. The Board only approves the precise courses that it has designated at the beginning of the licensing period.

Approval applications

A school or organization seeking approval of a continuing education program or course must submit its application on a form provided by the Board. A school or organization must submit all of the following at least thirty days prior to offering a continuing education program or course:

- an application provided by the Board;
- organization structure of the school or program;
- registration policies;
- promotional materials;

- detailed outline of each course or program with specific allocations of hours to each topic;
- method of instruction;
- method of ensuring students who complete the course are enrolled students;
- method of evaluating instructors and program;
- names of all instructors; and
- evidence that each instructor meets Board requirements (see below).

Distance learning course approval

"Distance education" means the provision of educational programs or courses without an instructor or representative of an approved school physically present with the students. Distance education" includes, but is not limited to, the delivery of educational programs and courses on CD-ROM, computer disk, or the Internet.

A school seeking the approval of continuing education programs and courses presented as distance education must describe to the Board how it will do all of the following:

- ensure that instructors approved by the Board are available to the students at reasonable times and by reasonable means;
- provide a reasonable level of examination security for the examination given at the end of each distance education continuing education course; and
- sufficiently cover the subjects specified for continuing education courses.

Advertising

The Board requires a school or organization seeking initial approval and reapproval of continuing education programs and courses to submit its promotional materials at least thirty days before offering the course or program.

Student records

Schools must retain attendance and completion records for at least five years after a program or course has been conducted.

Certificates of completion

Schools must provide an individual certificate of attendance to all students upon satisfactory completion of a program or course.

Other submissions

Applicants for approval of continuing education programs or courses may not discriminate against anyone on the basis of sex, race, color, sexual orientation, handicap, religion, age, physical disability, or national origin in their educational programs.

CONTENT

The content of continuing education courses is set by the Board on a biennial basis. The contents are not designated by statute or regulation.

MATERIALS

The Board requires a school to describe or furnish its organizational structure, registration policies, and detailed outlines of each program with specific allocations of hours to each topic presented as classroom instruction.

INSTRUCTOR QUALIFICATIONS

Instructors of continuing education programs and courses must be approved by the Board. Instructors must be knowledgeable in the subject that they are teaching and must possess at least one of the following minimum qualifications:

- be an instructor of real estate courses who is or has been engaged in the practice of teaching at an accredited institution of higher education;
- be a properly licensed or certified person by the Board or other governmental agency who engaged in the real estate aspects of appraising, financing, marketing, brokerage management, real property management, real estate counseling, real property law, or other related subjects and has been for at least five years continuously engaged in such practice;
- be a member of the state bar of Wisconsin engaged in the field of real estate-related law; or
- be a person who, in the judgment of the Board, is qualified by experience or education, or both, to supervise a course of study.

An instructor whose real estate license has been limited, suspended or revoked may not instruct in approved programs while the disciplinary action is in effect.

PRIOR APPROVAL REQUIREMENTS

Approval timing

A continuing education course or program must be approved before the course or program is conducted.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

A school or organization must agree to conduct an examination at the end of each continuing education program or course. The examination must contain at least fifteen multiple-choice questions for each course. The passing score may not be less than seventy percent, unless the school or organization provides substantial justification to the Board for a lower score and the Board approves the lower passing score.

The questions and answers must be submitted to the Board as part of the course or program approval process.

Proctors

No relevant provisions were located.

Regulations revised 2015.

[Wis. Admin. Code REEB 25.065; .068, .09 \(2019\); Dept. of Safety & Prof. Services, Real Estate Broker-Continuing Education \(last visited Nov. 7, 2019\); Real Estate Salesperson-Continuing Education \(last visited Nov. 7, 2019\)](#)

Wisconsin, Continuing Education Requirements

Continuing education requirements are set by the Real Estate Examining Board on a biennial basis.

BROKER REQUIREMENTS

Exemptions

Beginning with the December 2016 renewal, brokers are no longer exempt from the continuing education requirements if it is their first biennium being licensed as a broker. All brokers must complete continuing education for the December 2016 renewal.

Required hours

The Board requires licensees to complete eighteen hours of continuing education as a condition of renewing their licenses. Continuing education requirements are satisfied only by completion of the courses approved by the Board.

Minimum class length

Each approved course is three hours long.

A school may not count examination time as part of the classroom hours required in a classroom education course.

Attendance requirements

A student shall attend all the required hours of a classroom education course and receive all the required contents of a classroom education course or a distance education course before a school may give a certificate of attendance to the student. A student must also satisfactorily complete the course examination administered by the school. A student who does not pass the examination must retake the course.

Licensees must certify on their license renewal application that they have completed the continuing education requirement. Making a false statement in connection with any application for licensure is grounds for revocation and denial of that license. The Board conducts periodic audits of compliance with continuing education requirements.

Online classes

Approved courses may be offered through distance education. "Distance education" includes, but is not limited to, the delivery of educational programs and courses on CD-ROM, via remote classroom, or over the Internet.

Other requirements

Non-resident licensees must satisfy Wisconsin's continuing education requirement. Other states' continuing education courses do not satisfy Wisconsin's continuing education requirements.

The Board may grant an extension of time for completion of the continuing education requirement by a licensee and the licensee may obtain a renewal license for the extension period for one of the following reasons:

- verified health reasons which prevented attendance at continuing education courses or the continuing education examination;
- active duty in the military service with assignment to a duty station outside Wisconsin; or
- other compelling reasons beyond the control of the applicant.

ASSOCIATE (OR OTHER) BROKER REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SALESPERSON OR AGENT REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

All salesperson licensees must complete the required continuing education for all renewals, unless their license was issued after October 1 in an even year.

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Statutes amended 2018; regulations; REEB 25.065 amended 2015.

[Wis. Stat. §§ 452.05, .012 \(2019\)](#); [Wis. Admin. Code REEB 25.065 \(2019\)](#); [Dept. of Safety & Prof. Services, Real Estate Broker-Continuing Education \(last visited Nov. 6, 2019\)](#); [Real Estate Salesperson-Continuing Education \(last visited Nov. 6, 2019\)](#)

Wisconsin, Licensing Categories

BROKER

A "broker" is defined as any person who does any of the following:

- for another person, and for commission, money, or other thing of value, negotiates or offers or attempts to negotiate a sale, exchange, purchase, or rental of, or the granting or acceptance of an option to sell, exchange, purchase, or rent, an interest or estate in real estate, a time share, or a business or its goodwill, inventory, or fixtures, whether or not the business includes real property;
- is engaged wholly or in part in the business of selling or exchanging interests or estates in real estate or businesses, including businesses' goodwill, inventory, or fixtures, whether or not the business includes real property, to the extent that a pattern of sales or exchanges is established, whether or not the person owns the real estate or businesses. Five sales or exchanges in one year or ten sales or exchanges in five years is presumptive evidence of a pattern of sales or exchanges;
- for another person, and for commission, money, or other thing of value shows real estate or a business or its inventory or fixtures, whether or not the business includes real property, except for showing a property that is offered exclusively for rent;
- for another person, and for commission, money, or other thing of value, promotes the sale, exchange, purchase, option, rental, or leasing of real estate, a time share, or a business or its goodwill, inventory, or fixtures, whether or not the business includes real property, except for a person who only publishes or disseminates verbatim information provided by another person; or
- issues a written report of property value that is prepared for another person and that is not an appraisal.

ASSOCIATE [OR OTHER] BROKER

No relevant provisions were located.

SALESPERSON OR AGENT

A "salesperson" is any individual associated with a firm other than a broker or an individual who is not required to hold a license under Wis. Stat. Ch. 452. A "firm" is a licensed individual broker acting as a sole proprietorship or a licensed broker business entity.

SPECIALIST CATEGORIES

Time-share salesperson

A "time-share salesperson" is a person, other than a licensed broker or salesperson who is employed by a licensed broker to sell or offer or attempt to negotiate an initial sale or purchase of a time share but who may not perform any other acts authorized to be performed by a broker or salesperson.

Effective December 14, 2016, time-share salesperson registrations are eliminated.

Section 452.01 amended 2017; § 452.09 amended 2015.

[Wis. Stat. §§ 452.01, .09 \(2019\)](#)

[Wisconsin, Licensing Exemptions](#)

The term "broker" does not include any of the following:

- receivers, trustees, personal representatives, guardians, or other persons appointed by or acting under the judgment or order of any court;
- public officers while performing their official duties;

- any bank, trust company, savings bank, savings and loan association, insurance company, or any land mortgage or farm loan association organized under the laws of this state or of the United States, when engaged in the transaction of business within the scope of its corporate powers as provided by law;
- employees of persons listed above, and employees of credit unions or mortgage lenders, when engaged in the specific performance of their duties as such employees;
- any employee of an attorney if all of the following are true:
 - the employee's activities are directly supportive of the attorney's provision of legal services to the attorney's client;
 - the employee's activities are activities that the attorney may perform without being licensed as a broker;
 - the employee is under the direction and supervision of the attorney;
- any custodian, janitor, employee or agent of the owner or manager of a residential building who exhibits a residential unit therein to prospective tenants, accepts applications for leases and furnishes such prospective tenants with information relative to the rental of such unit, terms and conditions of leases required by the owner or manager, and similar information;
- any credit union that negotiates loans secured by real estate mortgages or any mortgage lender that negotiates loans secured by real estate mortgages or any licensed attorney who, incidental to the general practice of law, negotiates or offers or attempts to negotiate a loan, secured or to be secured by mortgage or other transfer of or encumbrance on real estate;
- a person licensed as a mortgage broker who does not engage in real estate brokerage activities;

- attorneys licensed to practice in Wisconsin while acting within the scope of their attorney's license; or
- a developer, as defined in Wis. Stat. § 707.02 (11), negotiating a transaction involving a time share.

Section 452.01 amended 2017.

[Wis. Stat. § 452.01 \(2019\)](#)

Wisconsin, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

Each applicant for an original real estate broker's license must submit to the [Real Estate Examining Board](#) evidence of the following requirements:

- completion within four years of broker's licensure of a real estate broker's education program of seventy-two hours in business management through a Board-approved program, plus evidence of: (a) licensure as a real estate salesperson; or (b) completion of a real estate salesperson's education program under REEB 25.023 or completion of ten semester hour credits in real estate or real estate related law courses from an accredited institution of higher education;
- completion of nonresident equivalency under REEB 25.028;
- completion of twenty semester hour credits in real estate or real estate law courses at an accredited institution of higher education; or
- licensure to practice law in Wisconsin.

The educational program in business management must cover all of the topics specified in Wis. Admin Code REEB 25.023.

An applicant who has held an active real estate broker's license in another jurisdiction within the two-year period prior to filing an application for an original real estate broker's license in Wisconsin is deemed to have met the equivalency to the business management and salesperson program education based on the education required to obtain a license in the other jurisdiction and the completion of Wisconsin-specific education consisting of the courses specified in REEB 25.028.

Service in "lower" category

An applicant for a broker's license must submit evidence that he or she has practiced as a licensed salesperson under the direct supervision of a licensed broker for two of the last four years preceding the application. The applicant must qualify for at least forty points based on the following point system:

- each completed or closed residential transaction = 5 points;
- each completed or closed commercial transaction = 10 points;
- each property management contract = 0.5 points per month; and
- each completed or closed timeshare = 1 point.

A broker applicant who is licensed to practice law in Wisconsin, or who holds a current certificate of financial responsibility under Wis. Stat. § 101.654, may satisfy the above experience requirement evidence that he or she:

- has experience related to real estate; or

- has at least one year experience as a licensed salesperson under the direct supervision of a licensed broker that qualifies the applicant for at least twenty experience points.

Waiver of qualifications for some professionals

Attorneys licensed in Wisconsin are exempt from the education requirements.

Applicants who are covered by a reciprocity agreement must comply with requirements specified in the agreement.

Annual fees and filings

Licenses are renewed as of December 15 of each even-numbered year. The renewal fee is \$82.

Applicant investigation

The Board may conduct an investigation to determine whether an individual seeking a Board determination has an arrest or conviction record. An applicant for licensure or renewal must submit a Board-approved form stating whether he or she has been convicted of a crime and the date of conviction and nature and circumstances of the crime, and acknowledging the Board's authority to investigate and the Board's authority to revoke licensure under specified circumstances.

Examinations

All applicants must pass an examination. An applicant for a broker's license must submit evidence that he or she has completed the educational requirements prior to taking the examination.

Other prerequisites

The Board determines the initial application fee.

Corporate licensees

A license may be issued to a business entity if the business entity has at least one business representative licensed as a broker. The license issued to the business entity entitles each business representative of the business entity who is a licensed broker to act as a broker on behalf of the business entity.

ASSOCIATE (OR OTHER) BROKER QUALIFICATIONS

No specifically relevant provisions were located. See "BROKER REQUIREMENTS" above.

SALESPERSON OR AGENT QUALIFICATIONS

Education

Applicants for an original salesperson's license must complete a 72-hour educational program approved by the Real Estate Examining Board within four years of licensure. The program must cover all of the topics listed in Wis. Admin. Code REEB 25.033.

Alternatively, a salesperson applicant may submit evidence of completion of ten semester hour credits in real estate or real estate law courses at an accredited institution of higher education. A quarter hour credit equals 2/3 of a semester hour credit.

An applicant who has held an active real estate salesperson's license in another jurisdiction within the two-year period prior to filing an application for an original real estate salesperson's license in Wisconsin may satisfy the educational requirements if the applicant submits evidence of completion of Wisconsin specific education consisting of 13 hours and containing the content specified in Wis. Admin. Code REEB 25.038.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

The education requirements will be waived for an applicant who is covered by a reciprocity agreement.

Annual fees and filings

Licenses are renewed as of December 15 of each even-numbered year. The renewal fee is \$82.

Applicant investigation

See "BROKER REQUIREMENTS" above.

Examinations

All applicants must pass an examination in English testing the applicant's competency to transact the business of real estate salesperson. An applicant for a salesperson's license must submit evidence that he or she has completed the educational requirements prior to taking the examination.

Other prerequisites

Applicants must be at least eighteen years old.

SPECIALIST QUALIFICATIONS

Time-Share Salesperson

Effective December 14, 2016 time-share salesperson registrations were eliminated.

Sections 440.03 and 440.05 amended 2018; § 452.09 amended 2015; § 452.12 amended 2018; regulations revised 2018.

[Wis. Stat. §§ 440.03, .05; 452.09, .12 \(2019\); Wis. Admin. Code REEB 12.01; 25.023, .028, .033, .038 \(2019\)](#)

Wyoming

Wyoming, Continuing Education Approval

PROVIDER

General requirements

In order to offer courses for continuing education credit, courses and course offerings must be approved by the [Real Estate Commission](#). Elective continuing education course approval expires two years from the date of approval.

Approval applications

The Real Estate Commission will favorably consider the following courses for approval:

- any course in real estate, or a directly related area, approved by any real estate regulatory body in any state or province with current ARELLO certification; or
- any course in real estate, or a directly related area, offered by any institution accredited by a regional accrediting agency which is recognized by the Office of Education of the United States Department of Health, Education and Welfare.

Courses in the following categories will also be considered:

- real estate ethics;
- real estate law, contract law, agency, real estate licensing law;
- legislative issues that influence real estate practice;
- real estate market measurement and evaluation;
- real estate brokerage management and supervision;
- real estate mathematics;

- real property management;
- real property exchange;
- real estate securities and syndication;
- estate building and portfolio management;
- real property accounting and taxation;
- land development, land use planning and zoning, construction, energy conservation in building;
- antitrust;
- fair housing, affirmative marketing, Americans with Disabilities Act;
- real estate financing, including mortgages;
- real estate investment;
- real estate appraising;
- real estate inspections;

- timeshares, condominiums and cooperatives;
- real estate environmental issues and hazards;
- water rights; and
- negotiation skills.

Upon written request, the Commission will consider other topics directly related to real estate practice which directly contribute to accomplishing the primary purpose of raising practice standards.

Approval must be applied for at least sixty days before conducting the proposed course. Any substantial change in an approved course must be approved by the Commission prior to implementation.

The fee for application for approval is \$50.

Distance learning course approval

Distance education is defined as courses in which instruction does not take place in a traditional classroom setting but rather through other media where teacher and student are separated by distance and sometimes time.

A distance education course must be certified by ARELLO or be specifically approved by the Commission (i.e., Commission owned distance education courses). Proof that the student completed the course within one year of enrollment must be supplied.

Broker course II or salesman course II may not be taken by distance learning.

Advertising

No relevant provisions were located.

Student records

The course provider must submit attendance records and course evaluation forms within ten days after the course and maintain them for five years. The records must indicate:

- each participant's name;
- the hours and dates each licensee attended the course;
- the title and description of the course attended; and
- the name of the instructor.

The course provider must certify that the licensee attended a minimum of ninety percent of the approved hours of instruction.

Certificates of completion

Attendees who attend ninety percent of the course hours must receive a certificate of attendance. A course must be at least three clock hours long. A clock hour is at least fifty minutes of instructional time. Actual clock hours are required to award course credit. Credit will not be given for only taking an examination.

Other submissions

A course evaluation form must be provided to each course participant at the end of the course for submission to the Commission.

The provider must agree to participate in the Commission's education electronic tracking system and enter information within ten days of the offering.

CONTENT

The required continuing education courses are developed jointly by the Real Estate Commission and providers of continuing education courses.

Product promotion of any kind, in any format, is not appropriate during instructional hours. This includes specific verbal reference, print media or product display in the course delivery area.

MATERIALS

The application for approval of an elective continuing education course includes a request for information regarding course outlines.

Any new material an instructor wants to teach during the required courses must first be approved by the Real Estate Commission. If approved, the material will be disbursed by the Commission staff to all approved instructors to be included in the course outlines.

Instructors will be provided printed handouts of Commission-sponsored courses. If the instructor opts to expand the course outline, the Commission must approve the additional information and the instructor must bear the cost of printing new outlines.

INSTRUCTOR QUALIFICATIONS

Continuing education instructors must meet at least one of the following qualifications, unless granted a special exception by the Real Estate Commission:

- completion of an instructor training certification course of at least four hours within the last three years; or

- five years of current experience in the subject instructed.

Those who instruct required courses or Commission developed courses must also agree to the conditions stated below unless granted a special exception by the Commission:

- agree any new material the instructor wants to teach must be approved by the Commission and if approved distributed by the Commission to all approved instructors to be included in the course outline;
- achieve favorable evaluations following a Commission audit of the course;
- agree that discipline of an instructor's real estate license may be a basis for denial or suspension of instructor approval; and
- participate in the maintenance and updating of the course as needed.

Instructors must audit a Commission developed course prior to obtaining approval to teach the course.

PRIOR APPROVAL REQUIREMENTS

Approval timing

Entities requesting approval of a course must apply for approval at least sixty days before conducting the course.

Approval after class date

No provisions permitting approval after the class date were located.

EXAMINATION

Examination requirements

Nothing was located that requires an examination in continuing education courses. Information concerning any examinations must be submitted as a part of the application for approval.

Proctors

No relevant provisions were located.

Section 33-28-118 amended 2017; Real Estate Commission Rules amended 2017.

Wyo. Stat. § 33-28-118 (LexisNexis 2019); [Wyo. Real Estate Commission Rules, chs. 1, 4 \(2019\)](#)

Wyoming, Continuing Education Requirements

BROKER REQUIREMENTS

Exemptions

An inactive licensee is not required to submit proof of continuing education until he or she applies to reactivate his or her license.

Required hours

Applications for renewal of a license shall include proof of completion of 45 hours of continuing education in courses approved by the Real Estate Commission, including 24 hours of required courses, during each three-year renewal period. Credit will not be given for repetitious coursework.

In addition, a responsible broker must complete an eight-hour Commission-approved broker management course during each three-year licensing period, for a total of 54 hours of continuing education, consisting of 32 hours of required education (to include one broker management course) and 21 hours of elective education during each renewal cycle.

Pre-licensing courses may not be used to satisfy continuing education requirements.

Minimum class length

Approved courses must last at least three hours.

Subjects

The Real Estate Commission publishes a list of required courses every year.

Any broker or salesperson may petition the Commission to accept coursework completed in the pursuit of specified NAR designations or certifications as continuing education credit. See [WREC NAR Designation and Certification Coursework Policy \(Mar. 17, 2014\)](#).

Attendance requirements

The licensee must attend at least ninety percent of the approved course credit hours.

Online classes

Students must complete distance learning courses within one year of enrollment.

Other requirements

The license of a licensee who makes late submissions of the proof required for renewal will expire automatically.

Licensees who fail to renew by the December 31 deadline have an additional 60-day grace period to renew by paying a \$75 late fee in addition to the regular \$350 renewal fee that applies to all licensees.

ASSOCIATE (OR OTHER) BROKER REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SALESPERSON OR AGENT REQUIREMENTS

All real estate licensees are required to meet the same continuing education requirements. (See "BROKER REQUIREMENTS" above.)

SPECIALTY LICENSE REQUIREMENTS

No relevant provisions were located.

Section 33-28-118 amended 2017; Real Estate Commission Rules chapter amended 2017.

Wyo. Stat. § 33-28-118 (LexisNexis 2019); [Wyo. Real Estate Commission Rules, chs. 1, 4 \(2019\)](#)

Wyoming, Licensing Categories

The Real Estate License Act prohibits "engaging in real estate activity or acting as a real estate licensee "without first obtaining a license as provided in [the Real Estate License] act." "Real estate activity" occurs whenever "an individual for another and for compensation" does any of the following:

- sells, exchanges, purchases, rents, manages, or leases real estate;
- offers to sell, exchange, purchase, rent, manage, or lease real estate;
- negotiates, offers, attempts, or agrees to negotiate the sale, exchange, purchase, rental or leasing of real estate;

- lists, offers, attempts, or agrees to list real estate for sale, lease or exchange;
- auctions, offers, attempts, or agrees to auction real estate;
- collects, offers, attempts, or agrees to collect rent for the use of real estate;
- advertises or holds himself or herself out as being engaged in the business of buying, selling, exchanging, auctioning, renting, or leasing real estate;
- engages in the business of charging an advance fee in connection with any contract undertaken to promote the sale, auction or lease of real estate either through its listing in a publication issued for that purpose or for referral of information concerning the real estate to brokers, associate brokers or salespersons;
- buys, sells, offers to buy or sell, or otherwise deals in options on real estate or improvements thereon;
- assists or directs in the procuring of prospects calculated to result in the sale, exchange, lease, or rental of real estate;
- assists in or directs the negotiation of any transaction calculated or intended to result in the sale, exchange, lease, or rental of real estate; or
- deals in time shares.

A person will be deemed to be "acting as a licensee" when he or she "with the intention or upon the promise of receiving any compensation offers, attempts or agrees to perform, or performs any single act of real estate activity, whether as a part of a transaction or as the entire transaction . . ."

BROKER

A "broker" is an individual, other than a salesman, or associate broker who, for another and for compensation:

- sells, exchanges, purchases, rents, manages or leases real estate;
- offers to sell, exchange, purchase, rent, manage or lease real estate;
- negotiates, offers, attempts or agrees to negotiate the sale, exchange, purchase, rental or leasing of real estate;
- lists, offers, attempts or agrees to list real estate for sale, lease or exchange;
- auctions, offers, attempts or agrees to auction real estate;
- collects, offers, attempts or agrees to collect rent for the use of real estate;
- advertises or holds himself out as being engaged in the business of buying, selling, exchanging, renting or leasing real estate;
- engages in the business of charging an advance fee in connection with a contract to promote the sale or lease of real estate either through its listing in a publication issued for that purpose or for referral of information concerning the real estate to responsible brokers, associate brokers or salespersons;
- buys, sells, offers to buy or sell or otherwise deals in options on real estate or improvements thereon;

- assists or directs in the procuring of prospects calculated to result in the sale, exchange, lease or rental of real estate; or
- assists or directs in the negotiation of any transaction calculated or intended to result in the sale, exchange, lease or rental of real estate.

ASSOCIATE [OR OTHER] BROKER

An "associate broker" is an individual who:

- has qualified as an associate broker;
- is licensed by the Commission under a responsible broker; and
- does not have supervisory responsibilities.

RESPONSIBLE BROKER

A "responsible broker" means an individual with an active responsible broker's license who is responsible for the supervision of the activities of licensees associated with a real estate company or a responsible broker who operates a single license office or sole proprietorship.

SALESPERSON OR AGENT

A "salesperson" means an individual who has qualified as a salesperson under the Real Estate License Act and who is licensed by the Commission under a responsible broker.

SPECIALIST CATEGORIES

No relevant provisions were located.

Sections amended 2011; § 33-28-102 amended 2017.

Wyo. Stat. §§ 33-28-101, -102, -104 (LexisNexis 2019)

Wyoming, Licensing Exemptions

The real estate licensing laws do not apply to:

- an owner of real estate or to a member of his immediate family or to his regular employees with respect to property owned by him or her, unless the owner, his or her immediate family or employee is a licensee;
- an attorney in fact under a duly executed and recorded power of attorney to convey real estate from the owner or lessor, or the services rendered by an attorney-at-law in the performance of his or her duties as an attorney, unless the attorney is a licensee;
- any individual acting as receiver, trustee in bankruptcy, administrator, executor, or guardian, or while acting under a court order or under the authority of a will or of a trust instrument or as a witness in any judicial proceeding or other proceeding conducted by the state or any governmental subdivision or agency;
- any officer or employee of the state government or any political subdivision performing his or her official duties;
- any person or employee acting as the resident manager for the owner or an employee acting as the resident manager for a responsible broker managing an apartment building, duplex, apartment complex or court, when the resident manager resides on the premises and is engaged in the leasing of property in connection with his or her employment; or
- a home owner's association formed and acting pursuant to its declaration and bylaws or a resort association formed and acting pursuant to its association agreement and bylaws.

Effective July 1, 2011, the exemptions for state and federal employees, or for individuals acting as receivers, trustees in bankruptcy, administrators, executors, or guardians, or acting under a court order or under the authority of a will or of a trust instrument or as a witness in any proceeding will not apply if that person is a real estate licensee.

Section 33-28-103 amended 2017.

Wyo. Stat. § 33-28-103 (LexisNexis 2019)

Wyoming, Licensing Prerequisites

BROKER QUALIFICATIONS

Education

Per [Real Estate Commission](#) guidelines and regulations: Applicants must submit evidence of 54 classroom hours of education completed within one year prior to the date of application, referred to as broker course I and broker course II. The courses must meet the curriculum established and published annually by the Real Estate Commission. Broker course I is 30 hours, and broker course II is 24 hours. Applicants are required to show proof of completion of broker course I and broker course II, and pass the appropriate examination, before applying. These requirements may be accomplished in any order.

In lieu of actual classroom hours of education for broker course I, an applicant may challenge an approved course by satisfactorily passing the approved course examination and submitting certification.

The Real Estate License Law requires a minimum of 60 classroom hours "in a course of study approved by the commission."

Broker applicants with a degree in real estate must submit proof of completion of broker course I and pass the state and national broker examination.

Applicants for a responsible broker's license or an associate broker's license must complete 60 consecutive hours in a course of study approved by the Real Estate Commission. Applicants will also be required to pass an examination covering material taught in each course. There will be no separate provisions for applicants who hold a degree in real estate.

Responsible broker applicants must submit proof of completion of a Commission-approved broker management course taken no more than two years before the application.

The Real Estate Commission will be required to:

- approve courses that cover real estate principles, real estate law, real estate finance and related topics;
- promulgate rules and regulations to provide a process for challenging a course in lieu of evidence of completion of class hours;
- publish a list of approved real estate courses and keep the list updated annually; and
- on request, evaluate a specific course or courses which are not on the approved list and approve or disapprove the course.

Service in "lower" category

Associate broker applicants must furnish evidence that they have been actively engaged as a real estate salesperson for two of the immediately preceding four years preceding the application or proof that they have a degree in real estate from an accredited university or college.

Responsible broker applicants must furnish evidence that they have been actively engaged as an associate broker or real estate salesperson for two of the four years preceding their application and proof of completion of a Commission-approved broker management course taken no more than two years prior to the application.

Waiver of qualifications for some professionals

The Commission will deem the uniform portion of the examination as successful passed by any person seeking a Wyoming license who received a license from a jurisdiction which is at an equivalent experience and responsibility level as a comparable Wyoming license, provided such license is currently valid and in good-standing.

Such a licensee-applicant must submit a certification stating when his or her original license was received, if any disciplinary action has been taken against the licensee and that he or she has served actively for two of the four years immediately preceding the application as a like-licensed real estate salesman or associate broker.

Renewal fees

The fee for renewal of a responsible broker's or associate broker's license is \$350, every three years, plus a \$20 fee to be deposited in the real estate recovery fund.

Applicant investigation

Applicants for a broker's license must submit:

- a completed application form;
- a fingerprint card;
- a recent snapshot or photograph;
- proof of legal presence in the United States;
- a signed Consent to Examine and Audit form provided by the Commission;
- if a nonresident, signed Service of Process forms provided by the Commission; and
- proof of errors and omissions insurance.

An applicant with a prior felony conviction may be considered for certification twelve months after all sentencing/parole/probation requirements have been satisfied.

Examinations

Each applicant must pass a written examination prepared by or under the supervision of the Commission. The examination shall include business ethics, composition, arithmetic, elementary principles of land economics and appraisal, a general knowledge of the statutes of Wyoming relating to deeds, mortgages, contracts of sale, agency and brokerage, and the provisions of the Real Estate License Law. The examination for a responsible broker's or associate broker's license shall be of a more exacting nature and scope and more stringent than the examination for a salesperson's license.

A registrant for examination must select a date for taking the examination, which date may be changed only by submitting another fee and registration or as allowed by the testing service.

Registrants failing one portion of the exam are only required to retake the failed portion, but they must do so within six months after the last test failure date. Registrants who do not pass all portions of the exam within six months must retake the entire examination.

Applicants must receive a score of at least 75 percent on both the uniform and the state sections of the exam. A passing score does not constitute a license to sell real estate. All registrants for an exam must have reached the age of majority.

A registrant must within 90 days after receiving written notification from the testing service that he or she has passed all examination portions, file the appropriate license application. Failure to do so will cancel the application and all test scores will be terminated.

Other prerequisites

The examination fee is \$141, and the fee for each original responsible broker's or associate broker's license is \$300. A \$20 fee to be deposited in the real estate recovery fund must also be paid.

Corporate licensees

Licenses will be issued to the responsible broker for a real estate company engaged in the real estate business upon verification by the Secretary of State of Wyoming of the company's good standing. The responsible broker must be an officer, partner or manager, or hold an ownership interest in the company.

The following documents must be submitted before a responsible broker's license will be issued to a real estate company:

- an application and \$300 fee;
- copies of the documents establishing the company organization;
- a copy of the corporate bylaws or other operating agreement for the real estate company;
and
- a copy of the meeting minutes of the entity indicating the responsible broker's name.

ASSOCIATE (OR OTHER) BROKER QUALIFICATIONS

See "BROKER REQUIREMENTS" above.

An applicant for an associate broker's license must:

- have reached the age of majority; and
- submit other evidence as the Real Estate Commission deems desirable with due regard to the paramount interests of the public as to the honesty, truthfulness, integrity and competency of the individual applicant.

SALESPERSON QUALIFICATIONS

Education

Applicants must submit evidence of 54 classroom hours of education completed within one year prior to the date of application, referred to as salesperson course I and salesperson course II. The courses must meet the curriculum established and published annually by the Real Estate Commission. Salesperson course I is 30 hours, and salesperson course II is 24 hours. Applicants are required to show proof of completion of salesperson course I and salesperson course II, and pass the appropriate examination, before applying for a real estate license. These requirements may be accomplished in any order.

In lieu of actual clock hours for salesperson course I, an applicant may challenge an approved course by satisfactorily passing the approved course examination and submitting certification.

An applicant for a salesperson's license must complete not less than 30 class hours in a course of study approved by the Real Estate Commission. Applicants must also demonstrate that they have satisfactorily passed an examination covering material taught in each course.

The Real Estate Commission will:

- approve courses that cover real estate principles, real estate law, real estate finance and related topics;
- promulgate rules and regulations to provide a process for challenging a course in lieu of evidence of completion of class hours;
- publish a list of approved real estate courses and keep the list updated annually; and
- on request, evaluate a specific course or courses which are not on the approved list and approve or disapprove the course.

Service in "lower" category

No relevant provisions were located.

Waiver of qualifications for some professionals

No relevant provisions were located.

Annual fees and filings

The fee for renewal of a salesperson's license is \$350, every three years, plus a \$20 fee to be deposited in the real estate recovery fund.

Applicant investigation

Salesman applicants must submit:

- a completed application form;
- fingerprint cards;
- a recent snapshot or photograph;
- proof of legal presence in the United States;
- a copy of the Wyoming passing score report;
- if a non-resident, Service of Process forms; and
- proof of errors and omissions insurance.

Examinations

Each applicant must pass a written examination prepared by or under the supervision of the Real Estate Commission. The examination for a salesperson's license shall include business ethics, composition, arithmetic, elementary principles of land economics and appraisal, a general knowledge of Wyoming statutes relating to deeds, mortgages, contracts of sale, agency and brokerage, and the provisions of the Real Estate License Law.

Applicants must receive a score of at least 75 percent on both the uniform and the state sections of the exam. A passing score does not constitute a license to sell real estate.

Other prerequisites

The application for a salesperson's license must be accompanied by a written statement by the broker in whose service the applicant is about to enter stating:

- the name and place of business of the broker making the statement;
- in his opinion the applicant is honest, truthful and recommends the license be granted to the applicant;
- the broker will actively supervise and train the applicant during the period the requested license remains in effect;
- the period of time, if any, during which the applicant has been engaged in the real estate business;
- the name and address of the applicant's last employer;
- the applicant has completed not less than 30 class hours in a course of study approved by the Commission, given by instructors approved by the Commission and has satisfactorily passed an examination covering material taught in each course; and
- other information as the Commission may require that relates specifically to real estate transactions.

Salesperson applicants must have attained the age of majority and must also:

- furnish the name of the real estate company with which they will be associated in the business of real estate;
- furnish the period of time, if any, that they have been engaged in the real estate business;
- furnish their present address;
- furnish the name and address of their previous employer;
- furnish a statement that they have or have not been refused a real estate license;
- furnish a statement that their real estate license has or has not been revoked in any state; and
- include a statement by the responsible broker in whose service the applicant is about to enter stating:
 - the name and address of the responsible broker's real estate company;
 - that in the responsible broker's opinion the applicant is honest, truthful and that the responsible broker recommends the license be granted to the applicant; and
 - that the responsible broker will actively supervise and train the applicant during the period the requested license remains in effect.

SPECIALIST QUALIFICATIONS

No relevant provisions were located.

Section 33-28-106 amended 2018; § 33-28-107 amended 2017; 33-28-201 amended 2011; 33-28-401 amended 2011; Real Estate Commission Rules amended 2017.

Wyo. Stat. §§ 33-28-106, -107, -201, -401 (LexisNexis 2019); [Wyo. Real Estate Commission Rules, chs. 1, 2, 4, 7 \(2019\)](#)