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June 1, 2021

Notice of Public Hearing on Proposed Rule Amendments

Proposed Amended Rule (click link): **790-X-1-.06**

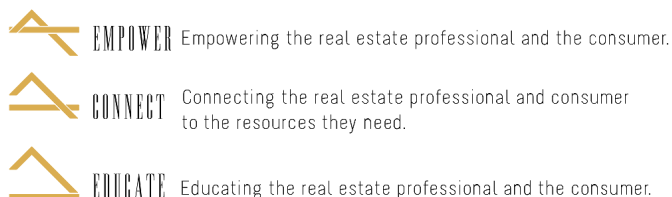
Proposed New Rules (click link): **790-X-1-.22; 790-X-1-.23; and 790-X-2-.26**

Location: Alabama Real Estate Commission
1201 Carmichael Way
Montgomery, AL 36106

Date: Thursday, June 17, 2021

Time: 9:00 a.m.

Comments can be presented at the public hearing or by written comments. Address any written comments to Vaughn T. Poe, Executive Director, Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, AL 36106. Comments may also be faxed to 334-270-9118. The deadline for written comments is 4:30 p.m. Wednesday, July 7, 2021.



Rule 790-X-1-.22. Prohibition Against Contract Lobbyist

The Commission shall not contract with a lobbyist, person, corporation, partnership, or association for the purpose of promoting or opposing the introduction or enactment of legislation before the Legislature, or a legislative committee or the members thereof, or promoting or opposing executive approval of legislation. This rule does not prohibit a Commissioner or a Commission employee from advocating positions of the Commission to government bodies or officials of any branch.

Author: Alabama Real Estate Commission

Statutory Authority: Code of Ala. 1975, §§ 34-27-8.

History: Filed _____; effective_____.

Rule 790-X-1-.06. Prelicense and Post License School Approval and Requirements.

(1) All schools and instructors teaching real estate courses shall agree to be governed by rules and regulations adopted by the Commission for the orderly operation of the schools.

(2) All prelicense courses shall have a definite beginning and ending date.

(3) The administrator shall, at least five (5) business days prior to the beginning of a prelicense or post license course, send information concerning the exact location, times and dates of the courses to the Commission via the electronic submission program provided by the Commission. Should changes occur in this information, instructors and administrators must submit the changes immediately via the electronic submission program provided by the Commission.

(4) The administrator shall, within three (3) business days of course completion, report the credit for students who successfully complete the prelicense or post license course to the Commission via the electronic submission program provided by the Commission. Business days are Monday through Friday and do not include federal holidays, state holidays and weekends.

(5) Professional real estate courses offered by the Armed Forces or reserves of the United States, the National Guard of any state, the military reserves of any state, or the naval militia of any state are approved by the Commission. No other prelicense or post license course shall be approved by the Commission unless the following requirements are fulfilled.

(a) Courses shall be taught by an approved instructor.

(b) All courses shall comply with the curriculum as prescribed by the Commission.

(c) The 60-clock hour salesperson prelicense course shall be completed within one year from the start date of the course or the student will receive no credit for classes completed and shall begin the course again. Students enrolled in the salesperson prelicense

course can receive no more than six (6) hours credit per day.

(d) The 60-clock hour broker prelicense course shall be completed in order to qualify for the broker's exam. The course shall be completed within one year from the start date of the course or the student will receive no credit for classes completed and shall begin the course again. Students enrolled in the broker prelicense course can receive no more than nine (9) hours credit per day.

(e) The 30-clock hour post license course is required for all temporary salesperson licensees, whether on active or inactive status, within the first year of licensure or the license will lapse. In order to maintain an active license, the course shall be completed and the original (permanent) license issued within the first six months of licensure. Students enrolled in the post license course can receive no more than nine (9) hours credit per day. Students shall start the post license course at the beginning of any course module in the approved course outline as allowed by the instructor.

(f) At least 80% of the course hours in the prelicense and post license courses shall be presented by live instruction unless the course is an ARELLO certified distance education course.

(g) Instructors shall offer incremental assessments including a final course exam. Students shall pass all required incremental assessments and the required final course exam that adequately measures mastery of course content and make a minimum course grade of 70% to successfully complete salesperson the prelicense course.

(h) Instructors shall teach a minimum of 60 hours for the prelicense course and a minimum of 30 hours for the post license course. Ninety (90%) percent course attendance in the prelicense and post license courses is required of students to successfully complete the course. Any sessions taken by students to make up missed hours must cover topics that have not already been taken in the course. Instructors may take a 10-minute break after each 50 minutes of instruction.

Meals and other unrelated activities cannot be counted as part of the course hours.

(i) Upon completing the course hours, passing all required incremental assessments and the required final exam, and obtaining a minimum course grade of 70% in the salesperson prelicense course, the administrator shall submit the course credit as directed by the Commission. Salesperson applicants shall not be allowed to schedule the salesperson license examination until exam eligibility has been submitted.

(j) Instructors and administrators shall provide each student who completes the salesperson prelicense course with instructions on where to access the Commission-approved prelicense course evaluation. Instructors and administrators shall also provide each student in prelicense and post license courses with information explaining the licensing process and deadlines. Instructors and administrators shall provide information on how to obtain the Application for Real Estate Salesperson's Original License to all post license students.

(k) Upon completing the course hours, passing the course final exam and obtaining a minimum course grade of 70% in the broker prelicense course, the administrator shall submit the course credit as directed by the Commission. Broker applicants shall not be allowed to schedule the broker license examination until exam eligibility has been submitted. Broker applicants shall meet all qualifications for a broker's license prior to making application. Successfully passing the broker license examination is only one of several qualifications that are identified in Section 34-27-32. Failure to meet all broker license qualifications prior to applying for a broker's license shall result in the exam score being rendered null and void and may subject the broker applicant to disciplinary action by the Commission.

(l) A person shall be required to have a temporary license issued prior to beginning a post license course to earn post license credit. Instructors and administrators shall obtain the temporary license number before allowing a student to enroll in the post

license course. Temporary salespersons who make a minimum course grade of 70% and complete the post license course may check the Commission website to ensure their course credit has been accurately reported. The temporary salesperson shall submit the application and fees for an original (permanent) license within the time frame set forth in Section 34-27-33.

(m) Schools shall maintain permanent records showing attendance, exam answer sheets, licensing process and deadline forms, course credit submission via the electronic submission program provided by the Commission, and any other documentation required by the Commission for a minimum of four (4) years. If a school closes because it merges with another school or is bought by another school, the records for the previous four years shall be turned over to and become the responsibility of the new school. If a branch school closes, the records for the previous four years shall be turned over to and become the responsibility of the main school. In the event a school closes and there is no school to whom the records would revert, the records for the previous four years must be turned over to the Commission.

(6) Salesperson applicants shall pass the salesperson license examination within 6 (six) months immediately following the date of successful completion of the salesperson prelicense course approved by the Commission. Salesperson applicants who fail to meet this requirement shall be required to again successfully complete the salesperson prelicense course and pass the salesperson license examination.

(7) Broker applicants shall pass the broker license examination within six (6) months immediately following the date of successful completion of the broker prelicense course approved by the Commission. Broker applicants who fail to meet this requirement shall be required to again successfully complete the broker prelicense course and pass the broker license examination.

Author: Alabama Real Estate Commission.

Statutory Authority: Code of Ala. 1975, §§ 34-27-6, 34-27-8, 34-27-32, 34-27-33, 31-12A-2.

History: Filed September 30, 1982. **Amended:** Filed November 21, 1983; August 27, 1986 (Rule title changed from "School Approval and Requirements" to "Prelicense School Approval and Requirements"); August 15, 1988; December 5, 1988. **Amended:** Filed February 6, 1991; October 22, 1991; August 7, 1992. **Amended:** Filed August 25, 1993; effective September 29, 1993. **Amended:** Filed December 22, 1994, effective January 26, 1995. **Amended:** Filed August 23, 1996; effective September 27, 1996. **Amended:** Filed August 3, 1998; effective September 7, 1998. **Amended:** Filed August 29, 2000; effective October 3, 2000. **Amended:** Filed November 19, 2001; effective December 24, 2001. **Amended:** Filed August 31, 2004; effective October 5, 2004. **Amended:** Filed August 30, 2005; effective October 04, 2005. **Amended:** Filed April 24, 2007; effective May 29, 2007. **Amended:** Filed July 11, 2008; effective August 15, 2008. **Amended:** Filed May 27, 2009; effective July 1, 2009. **Amended:** Filed August 27, 2009; effective October 1, 2009. **Amended:** Filed September 6, 2013; effective October 11, 2013. **Amended:** Filed August 28, 2014; effective October 2, 2014. **Amended:** Filed August 17, 2016; effective October 1, 2016. **Amended:** Filed August 25, 2017; effective October 9, 2017. **Amended:** Filed August 27, 2018; effective October 11, 2018. **Amended:** Filed _____; effective _____.

Rule 790-X-1-.23. Misuse of Agency Name, Initials, Logo, or Seal

(1) Prohibited Acts. No person may, except with the written permission of the Commission, use the seal of the Commission, the logo of the Commission, or any colorable imitation of such words, seal, or logo in connection with any merchandise, impersonation, solicitation, commercial activity, or trade association activity in a manner that conveys the impression that such is approved, endorsed, or authorized by the Commission.

(2) Injunction. Whenever it appears that any person is engaging or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by paragraph (1) of this rule, the Executive Director, through the Attorney General, may initiate a civil proceeding to enjoin such act or practice.

Author: Alabama Real Estate Commission

Statutory Authority: Code of Ala. 1975, §§ 34-27-7, 34-27-8, 34-27-36.

History: Filed _____; effective _____.

Rule 790-X-2-.26. Renewals During Military Deployment

Pursuant to *Code of Ala. 1975* § 31-12A-4, all licensees who are current military and are deployed at the time of license renewal may, upon providing a copy of their deployment papers, have their license renewal deferred and their CE waived for the period of the deployment. After the deployment is concluded and prior to December 31st of the following year, said licensee must have completed the required portion of the CE, previously waived, and complete the previously deferred license renewal in addition to meeting the current obligations of holding the real estate license.

Author: Alabama Real Estate Commission

Statutory Authority: *Code of Ala. 1975*, §§ 34-27-8

History: Filed _____; effective _____.