

Phase I: Administrative Rule Inventory for the Alabama Real Estate Commission

	Rule Citation	Short Description	Regulatory Text	Statutory Authority	# of Discretionary Regulatory Restrictions
1	790-X-1-.03(4)	License requirements for auctioning real estate.	<u>Code of Ala. 1975</u> , § 34-27-30(5), requires that one who auctions, or offers or attempts or agrees to auction real estate must be licensed under Articles 1 and 2.	34-27-2 34-27-8 34-27-30	0
2	790-X-1-.04	Limitations of clerical employees.	The duties of clerical or office employees of a real estate company shall be limited to the duties normally attributed to such positions.	34-27-2 34-27-8	0
3	790-X-1-.04	Limitations of clerical employees.	No such employee of a licensee or any other person shall physically show listed property, solicit or accept listings, negotiate sales or leases, hold himself out as engaged in the real estate business or perform any other act for which a license is required unless properly licensed.	34-27-2 34-27-8	1
4	790-X-1-.05(1)	Out-of-state co-brokerage agreement.	The Alabama broker shall require a listing or joint listing of the property involved.	34-27-3 34-27-8	1
5	790-X-1-.05(1)	Out-of-state co-brokerage agreement.	The written co-brokerage agreements required by <u>Code of Ala. 1975</u> , § 34-27-3, shall specify all material terms of each agreement, including but not limited to its financial terms.	34-27-3 34-27-8	1
6	790-X-1-.05(2)	Out-of-state co-brokerage agreement.	The showing of property located in Alabama and negotiations pertaining thereto shall be supervised by the Alabama broker.	34-27-3 34-27-8	1
7	790-X-1-.05(2)	Out-of-state co-brokerage agreement.	In all advertising of real estate located in Alabama, the name of the Alabama broker shall appear.	34-27-3 34-27-8	1

8	790-X-1-.05(3)	Out-of-state co-brokerage agreement.	The Alabama broker shall be liable for all acts of the out-of-state broker, as well as for his own acts, arising from the execution of any co-brokerage agreement.	34-27-3 34-27-8	1
9	790-X-1-.05(4)	Out-of-state co-brokerage agreement.	The Alabama broker shall determine that the out-of-state broker is licensed as a broker in another state.	34-27-3 34-27-8	1
10	790-X-1-.05(5)	Out-of-state co-brokerage agreement.	All earnest money pertaining to a co-brokerage agreement must be held in escrow by the Alabama broker unless both the buyer and seller agree in writing to relieve the Alabama broker of this responsibility.	34-27-3 34-27-8	1
11	790-X-1-.06(1)	Requirements for instructors and schools.	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.	34-27-6 34-27-8	0
12	790-X-1-.06(2)	Requirements for schools.	All prelicense courses shall have a definite beginning and ending date.	34-27-6 34-27-8	1
13	790-X-1-.06(3)	Requirements for schools.	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.	34-27-6 34-27-8	0
14	790-X-1-.06(3)	Requirements for schools.	Should changes occur in this information, instructors and administrators must submit the changes immediately via the electronic submission program provided by the Commission.	34-27-6 34-27-8	0
15	790-X-1-.06(4)	Requirements for schools.	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	34-27-6 34-27-8	0

			electronic submission program provided by the Commission.		
16	790-X-1-.06(5)(b)	Requirements for schools.	All courses shall comply with the curriculum as prescribed by the Commission.	34-27-6 34-27-8	0
17	790-X-1-.06(5)(c)	Requirements for salesperson, prelicense education.	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.	34-27-6 34-27-81 34-27-32	1
18	790-X-1-.06(5)(d)	Requirements for salesperson, prelicense education.	The 60-clock hour broker prelicense course shall be completed in order to qualify for the broker's exam.	34-27-6 34-27-8 34-27-8-32	0
19	790-X-1-.06(5)(d)	Requirements for broker, prelicense education.	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.	34-27-6 34-27-8 34-27-32	1
20	790-X-1-.06(5)(e)	Requirements for salesperson, post license education.	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.	34-27-6 34-27-8 34-27-8-33	0
21	790-X-1-.06(5)(e)	Requirements for salesperson, post license education.	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.	34-27-6 34-27-8 34-27-32 34-27-8-33	0
22	790-X-1-.06(5)(e)	Requirements for salesperson, post license education.	Students shall start the post license course at the beginning of any course module in the approved course outline as allowed by the instructor.	34-27-6 34-27-8 34-27-32 34-27-8-33	1

23	790-X-1-.06(5)(f)	Requirements for education.	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.	34-27-6 34-27-8 34-27-32 34-27-8-33	1
24	790-X-1-.06(5)(g)	Requirements for education.	Instructors shall offer incremental assessments including a final course exam.	34-27-6 34-27-8 34-27-32 34-27-8-33	1
25	790-X-1-.06(5)(g)	Requirements for education.	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.	34-27-6 34-27-8 34-24-32 34-27-8-33	1
26	790-X-1-.06(5)(h)	Requirements for education.	Instructors shall teach a minimum of 60 hours for the prelicense course and a minimum of 30 hours for the post license course.	34-27-6 34-27-8 34-27-32 34-27-8-33	0
27	790-X-1-.06(5)(h)	Requirements for education.	Ninety (90%) percent course attendance in the relicense and post license courses is required of students to successfully complete the course.	34-27-6 34-27-8 34-27-32 34-27-8-33	1
28	790-X-1-.06(5)(i)	Requirements for education.	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.	34-27-6 34-27-8 34-27-32 34-27-8-33	0

29	790-X-1-.06(5)(i)	Requirements for education.	Salesperson applicants shall not be allowed to schedule the salesperson license examination until exam eligibility has been submitted.	34-27-6 34-27-8 34-27-32 34-27-8-33	1
30	790-X-1-.06(5)(j)	Requirements for education.	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.	34-27-6 34-27-8 34-27-32 34-27-8-33	1
31	790-X-1-.06(5)(j)	Requirements for education.	Instructors and administrators shall also provide each student in prelicense and post license courses with information explaining the licensing process and deadlines.	34-27-6 34-27-8 34-27-32 34-27-8-33	1
32	790-X-1-.06(5)(j)	Requirements for education.	Instructors and administrators shall provide information on how to obtain the Application for Real Estate Salesperson's Original License to all post license students.	34-27-6 34-27-8 34-27-32 34-27-8-33	1
33	790-X-1-.06(5)(k)	Requirements for education.	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.	34-27-6 34-27-8 34-27-32 34-27-8-33	0
34	790-X-1-.06(5)(k)	Requirements for education.	Broker applicants shall not be allowed to schedule the broker license examination until exam eligibility has been submitted.	34-27-6 34-27-8 34-27-32 34-27-8-33	1
35	790-X-1-.06(5)(k)	Requirements for education.	Broker applicants shall meet all qualifications for a broker's license prior to making application.	34-27-6 34-27-8 34-27-32	0

				34-27-8-33	
36	790-X-1-.06(5)(k)	Requirements for education.	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.	34-27-6 34-27-8 34-27-32 34-27-8-33	1
37	790-X-1-.06(5)(l)	Requirements for education.	A person shall be required to have a temporary license issued prior to beginning a post license course to earn post license credit.	34-27-6 34-27-8 34-27-8-33	0
38	790-X-1-.06(5)(l)	Requirements for education.	Instructors and administrators shall obtain the temporary license number before allowing a student to enroll in the post license course.	34-27-6 34-27-8 34-27-8-33	1
39	790-X-1-.06(5)(l)	Requirements for education.	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.	34-27-6 34-27-8 34-27-8-33	1
40	790-X-1-.06(5)(m)	Requirements for education.	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.	34-27-6 34-27-8 34-27-32 34-27-8-33	1
41	790-X-1-.06(5)(m)	Requirements for education.	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.	34-27-6 34-27-8 34-27-32 34-27-8-33	1

42	790-X-1-.06(5)(m)	Requirements for education.	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.	34-27-6 34-27-8 34-27-32 34-27-8-33	1
43	790-X-1-.06(6)	Requirements for education.	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.	34-27-6 34-27-8 34-27-32 34-27-8-33	1
44	790-X-1-.06(6)	Requirements for education.	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.	34-27-6 34-27-8 34-27-32 34-27-8-33	2
45	790-X-1-.06(7)	Requirements for education.	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.	34-27-6 34-27-8 34-27-32 34-27-8-33	1
46	790-X-1-.06(7)	Requirements for education.	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.	34-27-6 34-27-8 34-27-32 34-27-8-33	2
47	790-X-1-.07(1)	Qualifications for Instructors	(1) In order to be approved to instruct real estate coursework, all real estate prelicense and post license instructor applicants shall : (a) Apply on a form prescribed by the Commission. (b) Hold a current broker's license in order to attain approval and must maintain a current	34-27-6 34-27-8	2

			broker's license in order to continue approval to teach prelicense and post license courses.		
48	790-X-1-.07(2)	Qualifications for Instructors	If a prelicense and post license instructor applicant has previously been found guilty of violating any provision of the Real Estate License Law or any rule, regulation, or order of the licensing authority in any state, the applicant shall first gain approval of the Commission through a hearing.	34-27-6 34-27-8	1
49	790-X-1-.07(3)	Qualifications for Instructors	<p>Instructor applicants shall meet the prerequisite qualifications as specified by the Commission in education, industry experience and teaching experience. The qualifications will be evaluated using a point system. An individual shall obtain a minimum of 70 points prior to being admitted to a mandatory orientation. The five major areas of evaluation and maximum points per category are:</p> <ol style="list-style-type: none"> 1. Active real estate license experience-20 points 2. Real estate education-20 points 3. Formal education-20 points 4. Teaching experience-35 points 5. Real estate and related experience-5 points <p>(b) Each major category shall be comprised of subcategories thereby allowing consideration of a variety of qualifications.</p> <p>(c) The Commission shall require that an instructor applicant submit appropriate documentation in order to be awarded points in any category or subcategory. No points can be awarded without supporting documents. If appropriate documentation is not received within 10 days of submission of the application, the</p>	34-27-6 34-27-8	2

			application shall be denied and the application fee and all documentation shall be returned.		
50	790-X-1-.07(4)	Qualifications for Instructors	All instructor applicants shall attend a mandatory orientation after qualifications have been evaluated and the initial application has been approved.	34-27-6 34-27-8	1
51	790-X-1-.07(4)	Qualifications for Instructors	The orientation shall be comprised of two scored parts: (a) A pretest evaluating the applicant's real estate and license law content knowledge (b) A presentation on a real estate examination topic given by the applicant as part of the orientation.	34-27-6 34-27-8	1
52	790-X-1-.07(4)	Qualifications for Instructors	The presentation shall be evaluated individually by a panel of experts utilizing a set of standardized criteria.	34-27-6 34-27-8	1
53	790-X-1-.07(4)	Qualifications for Instructors	The presentation evaluation score shall be an average of the individual panelists' scores.	34-27-6 34-27-8	1
54	790-X-1-.07(4)	Qualifications for Instructors	A minimum orientation final score of 70 shall be mandatory to obtain final instructor approval.	34-27-6 34-27-8	1
55	790-X-1-.07(4)	Qualifications for Instructors	A score below 70 shall require remedial instructor training identified by the Commission to receive approval to attend a future orientation.	34-27-6 34-27-8	1
56	790-X-1-.07(4)	Qualifications for Instructors	Attendance at future orientations shall be required until the minimum score of 70 is achieved.	34-27-6 34-27-8	1
57	790-X-1-.07(5)	Qualifications for Instructors	Full-time college and university prelicense and continuing education course instructors shall be qualified when certified by their respective educational institutions.	34-27-6 34-27-8	1

58	790-X-1-.07(6)	Qualifications for Instructors	All prelicense and post license instructors shall have written approval from the Commission prior to teaching an approved course.	34-27-6 34-27-8	0
59	790-X-1-.07(8)	Qualifications for Instructors	All prelicense and post license instructors shall attend Commission sponsored orientation courses and seminars when directed to do so by the Commission.	34-27-6 34-27-8	1
60	790-X-1-.07(9)	Qualifications for Instructors	Prelicense and post license instructors shall not earn continuing education credit for courses taught.	34-27-6 34-27-8	1
61	790-X-1-.08	Instructor Approval and Utilization	Each real estate prelicense, post license and continuing education course and the instructor(s) responsible for conducting each course shall be approved by the Alabama Real Estate Commission.	34-27-6 34-27-8	0
62	790-X-1-.08	Instructor Approval and Utilization	An approved instructor shall be present at each session of an approved real estate course.	34-27-6 34-27-8	1
63	790-X-1-.09(1)	Qualifications for Continuing Education Instructors	A continuing education instructor shall be defined as an instructor who is approved to teach only continuing education courses.	34-27-6 34-27-8	1
64	790-X-1-.09(2)	Qualifications for Continuing Education Instructors	Every continuing education instructor applicant shall apply for approval on a form prescribed by the Commission along with the appropriate fee.	34-27-6 34-27-8	1
65	790-X-1-.09(3)	Qualifications for Continuing Education Instructors	Continuing education instructor applicants shall not have been found guilty of violating any provision of the Real Estate License Law or any rule, regulation or order of the licensing authority in any state.	34-27-6 34-27-8	1

65	790-X-1-.09(4)	Qualifications for Continuing Education Instructors	Continuing education instructors shall be periodically reviewed and evaluated by the Commission.	34-27-6 34-27-8	1
65	790-X-1-.09(5)	Qualifications for Continuing Education Instructors	Continuing education instructors shall attend Commission sponsored orientation courses and seminars when directed to do so by the Commission.	34-27-6 34-27-8	1
66	790-X-1-.09(7)	Qualifications for Continuing Education Instructors	All continuing education instructor applicants qualifying under (3) above shall submit documentation of qualifications and a resume outlining experience, education and/or teaching experience in the applicable field.	34-27-6 34-27-8	1
67	790-X-1-.09(8)	Qualifications for Continuing Education Instructors	Continuing education instructors shall not earn continuing education credit for teaching courses.	34-27-6 34-27-8	1
68	790-X-1-.10(2)	Instructor Approval	Instructors shall submit application for approval as required by the Commission.	34-27-6 34-27-8	1
69	790-X-1-.10(2)	Instructor Approval	The initial fee for instructor approval shall be \$50 per year or any portion thereof except that instructors who teach only elective continuing education shall pay an initial fee of \$25 per year or any portion thereof.	34-27-6 34-27-8	1
70	790-X-1-.10(3)	Course Approval	Instructors shall submit application for course approval as required by the Commission.	34-27-6 34-27-8	1
71	790-X-1-.10(3)	Course Approval	Applications shall include an outline, learning objectives and learning strategies.	34-27-6 34-27-8	1
72	790-X-1-.10(3)	Course Approval	The initial course review fee shall be \$100.	34-27-6 34-27-8	1
73	790-X-1-.10(4)	School Licensure	Proprietary schools that offer prelicense and post license courses shall submit application for	34-27-6 34-27-8	2

			licensure as required by the Commission and the initial license fee shall be \$250 per year or any portion thereof.		
74	790-X-1-.10(3)	School Licensure	Application for school licensure shall include appropriate license fee and verification of surety bond.	34-27-6 34-27-8	0
75	790-X-1-.10(4)	School Licensure	Any proprietary school offering prelicense and/or post license courses in more than one location shall have a licensed branch school for each location using the same application procedure as the principal school.	34-27-6 34-27-8	1
76	790-X-1-.10(4)	School Licensure	Any change of the name or address of a licensed school requires a written notice to be sent to the Commission within ten (10) days of making the change in order for a new license to be issued.	34-27-6 34-27-8	1
77	790-X-1-.10(5)	School Approval	Schools that offer only continuing education courses and accredited colleges and universities shall submit application for approval as required by the Commission.	34-27-6 34-27-8	1
78	790-X-1-.10(5)	Administrator Approval	All schools shall name an individual associated with the school to serve as the administrator.	34-27-6 34-27-8	0
79	790-X-1-.10(5)	Administrator Approval	The administrator shall be the person responsible for all course offerings and activities related to real estate education that are offered at the school and all acts governed by applicable rules which govern the operation of the school.	34-27-6 34-27-8	0
80	790-X-1-.10(5)	Administrator Approval	Administrators shall submit application as required by the Commission.	34-27-6 34-27-8	1
81	790-X-1-.10(6)	Administrator Approval	If an Administrator leaves a school, a new Administrator shall be approved within ten business days for the school to continue offering courses.	34-27-6 34-27-8	1

82	790-X-1-.10(6)	Administrator Approval	If an Administrator is not approved within ten days, the school shall become inactive until an Administrator is approved.	34-27-6 34-27-8	1
83	790-X-1-.10(7)	Instructor Renewal	Instructors shall renew their instructor approval no later than September 30 of the second year of each approval period.	34-27-6 34-27-8	1
84	790-X-1-.10(8)	Instructor Renewal	If placed on inactive status, the instructor shall not teach any classes until the approval is renewed.	34-27-6 34-27-8	1
85	790-X-1-.10(8)	Instructor Renewal	If renewal requirements are not met by December 31 of the first year of the next approval period, the approval shall not be renewed and the instructor shall apply as an original applicant and meet all requirements applicable to new instructors.	34-27-6 34-27-8	1
86	790-X-1-.10(8)	Instructor Renewal	The fee for instructor renewal shall be \$100 for the two year approval period.	34-27-6 34-27-8	1
87	790-X-1-.10(8)	Instructor Renewal	For those who teach only elective continuing education the fee shall be \$50 for the two year approval period.	34-27-6 34-27-8	0
88	790-X-1-.10(8)	Instructor Renewal	Prelicense and post license instructors shall complete 12 hours of instructor training courses approved by the Commission no later than September 30 of the second year of each approval period.	34-27-6 34-27-8	1
89	790-X-1-.10(8)	Instructor Renewal	These instructor training courses shall be taken in addition to the continuing education courses required for renewal of a salesperson or broker license.	34-27-6 34-27-8	1
90	790-X-1-.10(8)	Instructor Renewal	Instructor applicants approved in the second year of the approval period, instructors who teach only continuing education courses or full time college instructors shall not be required to complete 12 hours of instructor training courses for renewal of instructor approval.	34-27-6 34-27-8	1

91	790-X-1-.10(9)	Course Renewal	In order to retain approval for each course, the instructor shall submit the renewal fee and an updated outline, learning objectives and learning strategies.	34-27-6 34-27-8	1
92	790-X-1-.10(9)	Course Renewal	Instructors shall renew courses no later than September 30 of the second year of each approval period.	34-27-6 34-27-8	1
93	790-X-1-.10(9)	Course Renewal	If course renewal requirements are not met by December 31 of the first year of the next approval period, the course may not be renewed and the instructor shall submit a new course application and meet all requirements applicable to new courses.	34-27-6 34-27-8	1
94	790-X-1-.10(9)	Course Renewal	The fee for course renewal shall be \$50 per course for the two year approval period.	34-27-6 34-27-8	1
95	790-X-1-.10(10)	Administrator Renewal	Administrators shall renew their approval no later than September 30 of the second year of each approval period.	34-27-6 34-27-8	1
96	790-X-1-.10(10)	Administrator Renewal	If renewal requirements are not met by December 31 of the first year of the next approval period, the approval may not be renewed and the administrator shall apply as an original applicant and meet all requirements applicable to new administrators.	34-27-6 34-27-8	1
97	790-X-1-.10(11)	School Renewal	Administrators shall renew the school licensure or approval online as required by the Commission no later than September 30 of the second year of each license or approval period.	34-27-6 34-27-8	1
98	790-X-1-.10(11)	School Renewal	If placed on inactive status, the school shall not offer any more classes until the licensure or approval is renewed.	34-27-6 34-27-8	1
99	790-X-1-.10(11)	School Renewal	If renewal requirements are not met by December 31 of the first year of the next approval period, the	34-27-6 34-27-8	1

			licensure or approval may not be renewed and the school shall apply as an original applicant and meet all requirements applicable to new schools.		
100	790-X-1-.10(11)	School Renewal	The license renewal fee for proprietary schools which offer prelicense and post license courses shall be \$250 for the two year license period.	34-27-6 34-27-8	0
101	790-X-1-.10(13)	Instructor Training	All instructors shall attend training programs as directed by the Commission in order to retain approval.	34-27-6 34-27-8	1
102	790-X-1-.11(1)	Course Content for Continuing Education	To meet continuing education requirements, salespersons shall complete fifteen (15) clock hours each license period as set out below: (a) Three (3) clock hours in the Commission-approved Risk Management course. (b) Twelve (12) clock hours in Commission-approved courses. (2) Effective October 1, 2022, to meet continuing education requirements, associate brokers and qualifying brokers shall complete fifteen(15) clock hours each license period as set out below: (a) Three (3) clock hours in the Commission-approved Risk Management course. (b) Three (3) clock hours in the Commission-approved Broker course. (c) Nine (9) clock hours in Commission-approved courses.	34-27-6 34-27-8 34-27-35	1
103	790-X-1-.11(2)	Course Content for Continuing Education	(2) Effective October 1, 2022, to meet continuing education requirements, associate brokers and qualifying brokers shall complete fifteen(15) clock hours each license period as set out below: (a) Three (3) clock hours in the Commission-approved Risk Management course.	34-27-6 34-27-8 34-27-35	1

			(b) Three (3) clock hours in the Commission-approved Broker course. (c) Nine (9) clock hours in Commission-approved courses.		
104	790-X-1-.11(3)	Course Content for Continuing Education	The curriculum for continuing education courses offered for elective credit shall consist of subjects which are "core" real estate and which will assist the licensee in fulfilling the Commission's statutory duty of protecting the public	34-27-6 34-27-8 37-27-35	1
105	790-X-1-.12(1)	Continuing Education Course Approval	All instructors of continuing education courses shall apply for course approval on a form prescribed by the Commission along with a \$100 course review fee and all required documents.	34-27-6 34-27-8 34-27-32 34-27-35	1
106	790-X-1-.12(1)	Continuing Education Course Approval	Applications for courses shall be submitted online as required by the Commission.	34-27-6 34-27-8 34-27-32 34-27-35	1
107	790-X-1-.12(2)	Continuing Education Course Approval	Approved continuing education courses shall be taken from a Commission approved school and taught only by approved instructors.	34-27-6 34-27-8 34-27-32 34-27-35	0
108	790-X-1-.12(3)	Continuing Education Course Approval	In order to be approved for continuing education credit, courses shall contain a minimum of three (3) clock hours of instruction.	34-27-6 34-27-8 34-27-32 34-27-35	1
109	790-X-1-.12(3)	Continuing Education Course Approval	A licensee shall not earn more than nine (9) hours of continuing education credit in any one day.	34-27-6 34-27-8 34-27-32 34-27-35	1
110	790-X-1-.12(4)	Continuing Education Course Approval	Administrators shall not advertise courses out as approved, enroll students or conduct classes for which students expect to earn continuing	34-27-6 34-27-8 34-27-32	1

			education credit prior to the course instructor receiving written approval from the Commission.	34-27-35	
111	790-X-1-.12(4)	Continuing Education Course Approval	Course instructors shall submit the course application to the Commission at least 14 days prior to the proposed beginning date of the course.	34-27-6 34-27-8 34-27-32 34-27-35	1
112	790-X-1-.12(5)	Continuing Education Course Approval	Administrators shall report all required course information including the exact location, times and dates of the courses to the Commission via the electronic submission program provided by the Commission at least five (5) business days prior to the beginning of each course.	34-27-6 34-27-8 34-27-32 34-27-35	1
113	790-X-1-.12(5)	Continuing Education Course Approval	Should changes occur in this information, the administrator shall submit the changes immediately via the electronic submission program provided by the Commission.	34-27-6 34-27-8 34-27-32 34-27-35	1
114	790-X-1-.12(6)	Continuing Education Course Approval	Administrators shall within 10 days of course completion, report credit for the students who successfully completed the course to the Commission via the electronic submission program provided by the Commission.	34-27-6 34-27-8 34-27-32 34-27-35	1
115	790-X-1-.12(6)	Continuing Education Course Approval	Credit completed on or before September 30 of a renewal year shall be entered before midnight of September 30 to avoid possible disciplinary action.	34-27-6 34-27-8 34-27-32 34-27-35	1
116	790-X-1-.12(7)	Continuing Education Course Approval	Each school shall maintain permanent records for its students showing attendance, 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.	34-27-6 34-27-8 34-27-32 34-27-35	1

117	790-X-1-.12(7)	Continuing Education Course Approval	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.	34-27-6 34-27-8 34-27-32 34-27-35	1
118	790-X-1-.12(7)	Continuing Education Course Approval	If a branch school closes, the records for the previous four years shall be turned over to and become the responsibility of the principal school.	34-27-6 34-27-8 34-27-32 34-27-35	1
119	790-X-1-.12(9)	Continuing Education Course Approval	Students shall attend 100% of the course offering in order to be awarded continuing education credit.	34-27-6 34-27-8 34-27-32 34-27-35	1
120	790-X-1-.12(9)	Continuing Education Course Approval	Credit shall not be given for time spent on meals or other unrelated activities.	34-27-6 34-27-8 34-27-32 34-27-35	1
121	790-X-1-.12(9)	Continuing Education Course Approval	The instructor and school shall not issue credit to students who do not attend 100% of the course offering.	34-27-6 34-27-8 34-27-32 34-27-35	1
122	790-X-1-.12(10)	Continuing Education Course Approval	Prior to becoming licensed, a person shall not earn real estate continuing education credit.	34-27-6 34-27-8 34-27-32 34-27-35	1
123	790-X-1-.12(11)	Continuing Education Course Approval	Any licensee who completes the entire 60 hour broker prelicense course or the entire 30 hour post license course shall earn 15 clock hours of continuing education credit which shall satisfy all continuing education requirements for the current license period.	34-27-6 34-27-8 34-27-32 34-27-35	1
124	790-X-1-.12(12)	Continuing Education Course Approval	Instructors and schools shall provide each student in any approved continuing education class with instructions on how they can check continuing		1

			education credit and electronically submit a course evaluation on the Commission's website.		
125	790-X-1-.12(13)	Continuing Education Course Approval	Such courses shall count as elective continuing education credit only.	34-27-6 34-27-8 34-27-32 34-27-35	1
126	790-X-1-.13	Continuing Education Exemptions	However, in order to activate the license, the licensee shall complete the 15 clock hour continuing education requirement.	34-27-6 34-27-8 34-27-32 34-27-35	1
127	790-X-1-.14(1)	Student Participation	Administrators and instructors shall take steps to ensure that all students comply with the following participation standards: (a) A student shall direct his/her attention to the instruction being provided and refrain from engaging in activities unrelated to the instruction. (b) A student shall refrain from engaging in activities which are distracting to other students or the instructor, or which otherwise disrupt the orderly conduct of a class such as personal conversations, talking on cell phones, and anything else that causes distracting noise.	34-27-6 34-27-8 34-27-35	1
128	790-X-1-.14(2)	Student Participation	Administrators shall not submit course credit to the Commission for a student who fails to comply with the student attendance participation standards prescribed in Paragraph (1)(a) & (b) of this Rule.	34-27-6 34-27-8 34-27-35	1
129	790-X-1-.15(1)	School And Instructor Advertising Regulations	No administrator and no instructor shall make, or cause to be made, any statement, or representation, oral, written, or visual in connection with the operation of a school or the offering of a course, if such person knows or reasonably should know the	34-27-6 34-27-8 34-27-35	1

			statement or representation to be false, inaccurate, or misleading.		
130	790-X-1-.15(2)	School And Instructor Advertising Regulations	All school advertising shall contain the licensed or approved name of the school.	34-27-6 34-27-8 34-27-35	1
131	790-X-1-.15(2)	School And Instructor Advertising Regulations	A school shall not advertise in conjunction with any other business establishment unless the administrator submits a written statement to the Commission that the school will be responsible to ensure that all advertising complies with the laws and rules which govern advertising.	34-27-6 34-27-8 34-27-35	1
132	790-X-1-.15(3)	School And Instructor Advertising Regulations	No reference whatsoever shall be made in any newspaper, advertising brochures, etc. as to "pass/fail ratio" by any school/course sponsor or instructor approved by the Alabama Real Estate Commission with the exception that administrators and instructors may advertise that pass/fail rates can be viewed on the Alabama Real Estate Commission's website.	34-27-6 34-27-8 34-27-35	1
133	790-X-1-.15(4)	School And Instructor Advertising Regulations	There shall be no advertising which guarantees or alludes to a guarantee of passing the state examination.	34-27-6 34-27-8 34-27-35	1
134	790-X-1-.16(1)	Audits of Schools and Instructors	All schools and instructors shall be subject to audit to ensure compliance with the Real Estate License Law and the Rules and Regulations of the Alabama Real Estate Commission.	34-27-6 34-27-8 34-27-35	1
135	790-X-1-.16(1)	Audits of Schools and Instructors	In the event of such an audit, the responsible individual shall make available to the authorized representative of the Commission all documentation and information requested which is necessary for the audit.	34-27-6 34-27-8 34-27-35	1

136	790-X-2-.17(2)	Disciplinary Action for Instructors, Administrators, and Schools	Any instructor, school or administrator whose license or approval has been revoked shall not be licensed or approved without meeting all current instructor or school requirements and receiving approval from Commissioners.	34-27-6 34-27-8 34-27-33	1
137	790-X-1-.18(1)	Reciprocal License Requirements	Applicants for a reciprocal license shall have a current license in a qualifying state either on active or inactive status which is not a reciprocal or nonresident license.	34-27-6 34-27-8 34-27-32 34-27-35	1
138	790-X-1-.18(1)	Reciprocal License Requirements	This shall be evidenced by a certification of licensure (license history) that is obtained from the qualifying state within the 120 days immediately prior to the issuance of an Alabama license.	34-27-6 34-27-8 34-27-32 34-27-35	1
139	790-X-1-.18(2)	Reciprocal License Requirements	For initial licensure as a reciprocal salesperson or broker, at minimum the certification of licensure shall show: (a) Name and address of the licensee; and (b) Status of the license (current, renewed, not renewed, expired, lapsed, etc.) and (c) Type of license (salesperson, broker, etc.); and (d) Period of time the license has been active and inactive over at least the previous 36 months; and (e) If the applicant passed an examination; and (f) Whether the examination consisted of the national and state portion or only the state portion; and (g) Record of any disciplinary action against the licensee; and (h) Any other documentation the Commission may require.	34-27-6 34-27-8 34-27-32 34-27-35	1

140	790-X-1-.18(2)	Reciprocal License Requirements	Persons who hold an entry level license in the qualifying state; i.e., a salesperson license in most states, shall apply for a reciprocal salesperson license in Alabama provided all other eligibility requirements are met.	34-27-6 34-27-8 34-27-32 34-27-35	1
141	790-X-1-.18(3)	Reciprocal License Requirements	Persons who hold a license that is beyond entry level in a qualifying state, i.e., a broker license in most states, shall apply for a reciprocal broker license in Alabama provided all other eligibility requirements are met.	34-27-6 34-27-8 34-27-32 34-27-35	1
142	790-X-1-.18(4)	Reciprocal License Requirements	If potential reciprocal applicants have questions regarding their eligibility for licensure, they shall submit a "Request for Determination of Reciprocal Licensing Eligibility" along with a certification of licensure to the Commission for review and determination of eligibility.	34-27-6 34-27-8 34-27-32 34-27-35	1
143	790-X-1-.18(5)	Reciprocal License Requirements	In addition to license requirements in Section 34-27-32(a) and (b) of License Law, applicants for a reciprocal salesperson or a reciprocal broker license shall meet the following requirements before applying for a reciprocal license. (a) Complete six (6) hours of reciprocal salesperson prelicense or reciprocal broker prelicense coursework prescribed by the Commission in order to qualify for the reciprocal license examination. These six hours of coursework shall not qualify for continuing education credit. (b) Pass the reciprocal salesperson or reciprocal broker license examination offered by the testing agency under contract with the Commission. The examination appointment shall be made and the examination fee paid to the testing agency as	34-27-6 34-27-8 34-27-32 34-27-35	1

			published in the Candidate Handbook. When the registration has been processed, the applicant shall be notified of the time to report to the exam center. Unscheduled candidates shall not be admitted.		
144	790-X-1-.18(6)	Reciprocal License Requirements	An examination fee shall be paid for each scheduled examination whether or not the applicant takes the exam unless the applicant is rescheduled in accordance with policies as specified in the Candidate Handbook.	34-27-6 34-27-8 34-27-32 34-27-35	1
145	790-X-1-.18(7)	Reciprocal License Requirements	Reciprocal salesperson and reciprocal broker license applicants shall pass the examination within six (6) months immediately following the date of completion of the reciprocal prelicense course approved by the Commission.	34-27-6 34-27-8 34-27-32 34-27-35	1
146	790-X-1-.18(7)	Reciprocal License Requirements	Reciprocal applicants who fail to meet this requirement shall be required to again successfully complete the appropriate reciprocal prelicense course and pass the appropriate reciprocal license examination.	34-27-6 34-27-8 34-27-32 34-27-35	2
147	790-X-1-.18(8)	Reciprocal License Requirements	The passing grade for both the reciprocal salesperson and reciprocal broker examinations shall be seventy (70)	34-27-6 34-27-8 34-27-32 34-27-35	1
148	790-X-1-.18(9)	Reciprocal License Requirements	Upon completing the course hours the administrator shall electronically submit the course credit to the Commission.	34-27-6 34-27-8 34-27-32 34-27-35	1
149	790-X-1-.18(9)	Reciprocal License Requirements	Reciprocal applicants shall not be allowed to schedule the reciprocal salesperson examination or	34-27-6 34-27-8 34-27-32	1

			reciprocal broker examination until course credit has been submitted.	34-27-35	
150	790-X-1-.18(10)	Reciprocal License Requirements	Instructors and administrators shall provide each student who completes the reciprocal salesperson or reciprocal broker prelicense course with instructions on where to access the Commission-approved prelicense course evaluation.	34-27-6 34-27-8 34-27-32 34-27-35	1
151	790-X-1-.18(10)	Reciprocal License Requirements	Instructors and administrators shall also provide each student with information explaining the licensing process and deadlines.	34-27-6 34-27-8 34-27-32 34-27-35	1
152	790-X-1-.18(11)	Reciprocal License Requirements	<p>Reciprocal licensees shall meet continuing education requirements by complying with either paragraph (a) or paragraphs (b) and (c) below:</p> <p>(a) Complete the appropriate 15 hours of continuing education courses approved by the Alabama Real Estate Commission.</p> <p>(b) Submit to the Commission a certification of licensure or letter that is issued by the regulatory agency in the state where prelicense course work was completed and the licensing examination was passed. The certification of licensure or letter shall at minimum show:</p> <ol style="list-style-type: none"> 1. the type of license 2. the license is active and current at least through October 1 of the calendar year during which the Alabama license is being renewed. 3. a full licensing examination, not just state portion, was passed in that state. <p>(c) The certification of licensure or letter in paragraph (b) above shall be dated no earlier than June 1 of the final year of the Alabama license</p>	34-27-6 34-27-8 34-27-32 34-27-35	3

			period and shall be received by the Commission no later than September 30 of the final year of the Alabama license period.		
153	790-X-1-.18(12)	Reciprocal License Requirements	If continuing education requirements are not satisfied by the prescribed deadline the reciprocal licensee shall be automatically placed on inactive status and subject to all reactivation requirements as provided in § 34-27-35, <i>Code of Ala. 1975</i> .	34-27-6 34-27-8 34-27-32 34-27-35	1
154	790-X-1-.19	Classroom Facilities	Courses shall be conducted in a facility that provides an appropriate learning environment.	34-27-6 34-27-8	1
155	790-X-1-.09	Classroom Facilities	At a minimum, the classroom shall : (1) be of sufficient size to accommodate comfortably all enrolled students; (2) be adequately equipped with student desks, worktables with chairs or other seating having a writing surface and arranged so that the writing surface is in front of students allowing students to have an unobstructed view of the instructor and opportunities for interaction; (3) have adequate light, heat, cooling, ventilation, and public address equipment; (4) be free of distractions that disrupt class sessions; and (5) be accessible to persons with disabilities as required by the Americans with Disabilities Act.	34-27-6 34-27-8	1
156	790-X-1-.21(1)	Distance Education	If a primary provider offers distance education courses directly to Alabama licensees, the provider shall be a school licensed or approved by the Commission.	34-27-6 34-27-8	1
157	790-X-1-.21(2)	Distance Education	The secondary provider shall be a school licensed or approved by the Commission.	34-27-6 34-27-8	1

158	790-X-1-.21(3)	Distance Education	Instructors of distance education courses shall be approved by the Commission.	34-27-6 34-27-8	1
159	790-X-1-.21(3)	Distance Education	Instructors shall not receive approval until they receive the Distance Education Instructor Certification from IDECC (International Distance Education Certification Center), which is a subsidiary of ARELLO (Association of Real Estate License Law Officials), and submit verification of the certification to the Commission.	34-27-6 34-27-8	1
160	790-X-1-.21(3)	Distance Education	The Distance Education Instructor Certification shall be renewed and kept current in order for the instructor to continue offering distance education courses.	34-27-6 34-27-8	1
161	790-X-1-.21(4)	Distance Education	All distance education prelicense and post license courses of primary providers shall be certified by ARELLO or IDECC before being submitted to the Commission for approval and shall retain certification in order to retain Commission approval.	34-27-6 34-27-8	2
162	790-X-1-.21(4)	Distance Education	Synchronous continuing education courses shall be certified by ARELLO or IDECC prior to being reviewed for approval by the Commission.	34-27-6 34-27-8	1
163	790-X-1-.21(4)	Distance Education	Asynchronous continuing education and all prelicense and post license courses shall be certified by ARELLO or IDECC prior to being reviewed for approval by the Commission.	34-27-6 34-27-8	1
164	790-X-1-.21(5)	Distance Education	Distance education courses that will be offered to Alabama licensees by either primary or secondary providers shall be approved by the Commission.	34-27-6 34-27-8	1

165	790-X-1-.21(5)	Distance Education	Any course containing major content errors or which fails to meet curriculum requirements shall be denied.	34-27-6 34-27-8	1
166	790-X-1-.21(6)	Distance Education	<p>Instructors of approved synchronous distance education courses must abide by the following requirements:</p> <p>(a) Instructors of approved synchronous distance education courses shall submit to the Commission their course outline and procedures for enrolling students, monitoring attendance, answering student questions, administering and grading exams where applicable, and verifying student identity.</p> <p>(b) Students must use video and be present on camera at all times without the use of still pictures or icons.</p> <p>(c) Students must be present the entire course or session with the only exception being a temporary loss of connection not to exceed 15 minutes per three hours of instruction.</p> <p>(d) Students shall not be participating in other activities such as driving, sitting, or riding in a vehicle; phone calls; text messages; emails; office paperwork; conversations with people who are not involved in the course; and any other activity unrelated to the course identified by the instructor or moderator.</p> <p>(e) Students must be involved in the class using breakout rooms, polling, or other means of promoting interaction.</p> <p>(f) Students must be monitored at all times by a separate moderator other than the instructor regardless of class size.</p>	34-27-6 34-27-8	8

			<p>(g) Students must not participate in comments unrelated to the course using the course's chat tool.</p> <p>(h) Students must be denied course credit for a virtual course if a violation occurs.</p>		
167	790-X-1-.21(7)	Distance Education	<p>Instructors of approved asynchronous distance education courses must abide by the following requirements:</p> <p>(a) All asynchronous distance education courses developed by approved primary providers shall be approved by the Commission prior to being marketed to secondary providers who will offer the courses to Alabama licensees.</p> <p>(b) Secondary providers shall only offer asynchronous courses which primary providers have had certified by ARELLO or IDECC. The instructor for a secondary provider shall not be required to obtain ARELLO or IDECC certification for courses.</p> <p>(c) Instructors of approved asynchronous distance education courses shall submit to the Commission their procedures for enrolling students, monitoring their progress, answering student questions, administering and grading exams, verifying and reporting course completion and verifying student identity. Instructors shall provide course requirements to all students in writing electronically or by mail when a distance education course is purchased. These requirements include, but are not limited to, submission of required forms, specific course deadlines, and the process for license examination scheduling.</p>	<p>34-27-6</p> <p>34-27-8</p>	4

			(d) Approved instructors who submit an asynchronous distance education course for approval shall submit the Course Summary Certificate number from ARELLO or IDECC along with the course application and fee. For secondary providers, the Course Summary Certificate from ARELLO or IDECC shall be the same number received by the primary provider.		
168	790-X-1-.21(8)	Distance Education	All distance education courses shall follow curriculum requirements as specified by the Commission.	34-27-6 34-27-8	0
169	790-X-1-.21(8)	Distance Education	Instructors who teach courses developed by another school or organization shall review the course for accuracy and applicability of content prior to submitting it to the Commission for review and approval.	34-27-6 34-27-8	1
170	790-X-1-.21(9)	Distance Education	In order to successfully complete the prelicense or post license course, students shall take and score a minimum of 70% on a proctored final examination administered in an educational facility by an approved real estate instructor, an approved school administrator, a qualified library employee or volunteer who is not in the real estate business, or a current or retired education professional who is not in the real estate business.	34-27-6 34-27-8	1
171	790-X-1-.21(10)	Distance Education	Administrators shall give distance education students instructions on how they can electronically submit a course evaluation to the Commission.	34-27-6 34-27-8	1
172	790-X-1-.21(11)	Distance Education	Administrators of schools offering the prelicense course shall provide students with licensing	34-27-6 34-27-8	1

			requirements and information on how to schedule to take the licensing examination.		
173	790-X-1-.21(11)	Distance Education	Administrators of schools offering the post license course shall provide students with original salesperson license requirements and access to the proper application.	34-27-6 34-27-8	1
174	790-X-2-.01(1)	Documentation for License	All applicants shall be at least 19 years of age as evidenced by a copy of a valid driver's license, U. S. passport, birth certificate or any other documentation acceptable to the Alabama Real Estate Commission.	34-27-8 34-27-32	0
175	790-X-2-.01(2)	Documentation for License	All applicants for a temporary salesperson, original salesperson, or broker's license shall certify on the appropriate application form that he or she is either a citizen of the United States, or is a permanent resident alien, or is legally present in the United States.	34-27-8 34-27-32	0
176	790-X-2-.01(2)	Documentation for License	Additionally, every applicant shall provide documentation of their status.	34-27-8 34-27-32	0
177	790-X-2-.01(2)	Documentation for License	This documentation shall be in the form of a photocopy of any one of the below listed documents, and shall be attached to the application form submitted to the commission office: (a) Driver license or non-driver identification issued by any state of the United States; or (b) Birth certificate issued by any state in the United States; or (c) Permanent Resident Card, commonly known as a green card; or (d) Any visa issued by the United States; or (e) Any other documentation issued by the United States indicating legal presence in the United States.	34-27-8 34-27-32	0

			<p>(3) All applicants shall document their state of residence as evidenced by a photocopy of any one of the below listed documents:</p> <p>(a) current driver's license; or</p> <p>(b) car tag receipt; or</p> <p>(c) deed to a home; or</p> <p>(d) lease agreement on a home or residential apartment; or</p> <p>(e) property tax bill; or</p> <p>(f) voter's registration card; or</p> <p>(g) other document acceptable to the Alabama Real Estate Commission.</p>		
178	790-X-2-.01(2)	Documentation for License	<p>All applicants shall document their state of residence as evidenced by a photocopy of any one of the below listed documents:</p> <p>(a) current driver's license; or</p> <p>(b) car tag receipt; or</p> <p>(c) deed to a home; or</p> <p>(d) lease agreement on a home or residential apartment; or</p> <p>(e) property tax bill; or</p> <p>(f) voter's registration card; or</p> <p>(g) other document acceptable to the Alabama Real Estate Commission.</p>	34-27-8 34-27-32	1
179	790-X-2-.01(4)	Documentation for License	<p>All applicants for a reciprocal license shall submit an official Certificate of Licensure form (license history) from the state where the applicant holds a current license.</p>	34-27-8 34-27-32	0
180	790-X-2-.01(4)	Documentation for License	<p>The Certification of Licensure shall be issued within the 120 day period prior to the issuance of the Alabama license.</p>	34-27-8 34-27-32	1

181	790-X-2-.01(4)	Documentation for License	<p>At minimum it shall show:</p> <p>(a) Name and address of the licensee; and</p> <p>(b) Status of the license (current, renewed, not renewed, expired, lapsed, etc.) and</p> <p>(c) Type of license (salesperson, broker, etc.); and</p> <p>(d) Period of time the license has been active and inactive over at least the previous 36 months; and</p> <p>(e) If the applicant passed an examination; and</p> <p>(f) Whether the examination consisted of the national and state portion or only the state portion; and</p> <p>(g) Record of any disciplinary action against the licensee; and</p> <p>(h) Any other documentation the Commission may require.</p>	34-27-8 34-27-32	1
182	790-X-2-.01(5)	Documentation for License	<p>All applicants who completed high school in the United States, except those applying for a reciprocal license and those who were home schooled, shall show proof of high school graduation by providing a photocopy of one of the below listed documents:</p> <p>(a) High school diploma; or</p> <p>(b) High school transcripts showing graduation date; or</p> <p>(c) GED Certificate; or</p> <p>(d) College diploma; or</p> <p>(e) College transcripts showing completion of a minimum of two full terms (quarters or semesters); or</p> <p>(f) Teaching certificate; or</p> <p>(g) DD-214 showing verification of high school completion.</p>	34-27-8 34-27-32	0

183	790-X-2-.01(6)	Documentation for License	All applicants who were home schooled in the United States shall provide a notarized transcript, a letter of recommendation from the home school group leader, or a diploma signifying completion of all requirements.	34-27-8 34-27-32	0
184	790-X-2-.01(7)	Documentation for License	All applicants who completed high school outside the United States shall provide one of the following: (a) A transcript or diploma from a United States college showing that the applicant's high school education was sufficient to allow the applicant to be admitted into a post-secondary education program; or (b) A transcript or diploma translated into English from either the high school or college the applicant attended in another country.	34-27-8 34-27-32	0
185	790-X-2-.02(4)	Applications for Examination and Licensure	All temporary salesperson and original broker license applications shall contain a recent photograph.	34-27-8, 34-27-32, 34-27-33	1
186	790-X-2-.02(5)	Applications for Examination and Licensure	The examination appointment shall be made and the examination fee paid to the testing agency as published in the Candidate Handbook.	34-27-8, 34-27-32, 34-27-33	1
187	790-X-2-.02(5)	Applications for Examination and Licensure	When the registration has been processed, the applicant shall be notified of the time to report to the exam center.	34-27-8, 34-27-32, 34-27-33	1
188	790-X-2-.02(5)	Applications for Examination and Licensure	Unscheduled candidates shall not be admitted.	34-27-8, 34-27-32, 34-27-33	1
189	790-X-2-.02(6)	Applications for Examination and Licensure	An examination fee shall be paid for each scheduled examination whether or not the applicant takes the exam unless the applicant is	34-27-8, 34-27-32, 34-27-33	1

			rescheduled in accordance with policies as specified in the Candidate Handbook.		
190	790-X-2-.02(8)	Applications for Examination and Licensure	The passing grade for both the salesperson and broker examinations shall be seventy (70).		1
191	790-X-2-.02(8)	Applications for Examination and Licensure	A time limit of three and one- half (3 1/2) hours is hereby set and allotted for completion of the required examination.	34-27-8, 34-27-32, 34-27-33	1
192	790-X-2-.02(9)	Applications for Examination and Licensure	All salesperson and broker applicants shall complete all required course work, including passing the course final examination, prior to taking the state examination.	34-27-8, 34-27-32, 34-27-33	1
193	790-X-2-.02(10)	Applications for Examination and Licensure	Salesperson applicants shall show successful proof of completion of the 60 hour salesperson prelicense course in the exam provider's electronic eligibility database prior to scheduling the salesperson examination.	34-27-8, 34-27-32, 34-27-33	1
194	790-X-2-.02(11)	Applications for Examination and Licensure	Broker applicants shall show proof of successful completion of the 60 hour broker prelicense course in the exam provider's electronic eligibility database prior to scheduling the broker examination.	34-27-8, 34-27-32, 34-27-33	1
195	790-X-2-.02(12)	Applications for Examination and Licensure	Reciprocal salesperson and broker applicants shall show successful completion of the six (6) hours of reciprocal prelicense coursework in the exam provider's electronic eligibility database prior to scheduling the reciprocal salesperson examination or the reciprocal broker examination.	34-27-8, 34-27-32, 34-27-33	1

196	790-X-2-.03(1)	Issuance of Salesperson License	A person shall be required to have a temporary salesperson license issued prior to beginning a post license course to earn post license credit.	34-27-6, 34-27-8, 34-27-33	1
197	790-X-2-.03(1)		The license holder shall provide the temporary license number to the instructor before he/she will be allowed to begin the post license course.		
198	790-X-2-.03(2)	Issuance of Salesperson License	The expiration date on a temporary salesperson license shall be six months from the first day of the month following its issuance, i.e.; the expiration date shall be midnight on the last day of the last month of the six month period.	34-27-6, 34-27-8, 34-27-33	1
199	790-X-2-.03(2)	Issuance of Salesperson License	After that, the license shall be valid, although inactive, for another six months as prescribed by statute.	34-27-6, 34-27-8, 34-27-33	1
200	790-X-2-.03(2)	Issuance of Salesperson License	After this one year period, the inactive temporary salesperson license shall lapse if the holder fails to complete the 30-clock hour post license course, submit a completed original salesperson application and fee, and have the original (permanent) license issued.	34-27-6, 34-27-8, 34-27-33	1
201	790-X-2-.03(2)	Issuance of Salesperson License	The inactive temporary salesperson license shall lapse at midnight on the last day of the last month of the one-year period.	34-27-6, 34-27-8, 34-27-33	1
202	790-X-2-.03(3)	Issuance of Salesperson License	During the remaining six months in which the temporary salesperson license holder has to complete the post license course, the temporary salesperson license shall only be on inactive status.	34-27-6, 34-27-8, 34-27-33	1
203	790-X-2-.03(5)	Issuance of Salesperson License	The application for the original (permanent) salesperson license shall be received by the Commission on or before the date the temporary salesperson license would lapse.	34-27-6, 34-27-8, 34-27-33	1

204	790-X-2-.03(5)	Issuance of Salesperson License	Therefore, the original salesperson license application, appropriate fees and proof of completion of the post license course shall be received by the Commission on or before midnight on the last day of the month which is one year from the first day of the month following the issuance of the temporary salesperson license.	34-27-6, 34-27-8, 34-27-33	1
205	790-X-2-.04(1)	Additional Broker License	A qualifying broker doing business in the name of a corporation or partnership and who also desires to do business as a sole proprietorship or for another corporation or partnership located at the same address must obtain and submit to the Commission a letter of consent from all officers of the corporation, or partners of the partnership.	34-27-8, 34-27-32	1
206	790-X-2-.04(5)	Additional Broker License	A broker shall hold a separate license for each firm which he represents as a qualifying broker.	34-27-8, 34-27-32	1
207	790-X-2-.05	Additional Broker License	An application for temporary salesperson, original salesperson, broker, reciprocal license or license renewal shall include the full legal name of the applicant.	34-27-8, 34-27-32	1
208	790-X-2-.05	Additional Broker License	If the applicant, in licensed real estate activities, uses or desires to use any name other than their full legal name or use a shortening of their name that does not use the same letters in the same order as a portion of their full legal name, then the applicant shall include that nickname or assumed name on their application.	34-27-8, 34-27-32	1
209	790-X-2-.07	Place of Business and Signage	A place of business shall be identified by a sign which sets out the name of the company as licensed with the commission.	34-27-2, 34-27-8	1
210	790-X-2-.07	Place of Business and Signage	In places where an exterior sign is permitted a sign shall be posted outside of the office so that it is plainly and readily visible to the public.	34-27-2, 34-27-8	1

211	790-X-2-.07	Place of Business and Signage	In places where an exterior sign is not permitted, an interior sign shall be posted.	34-27-2, 34-27-8	1
212	790-X-2-.07	Place of Business and Signage	The interior sign shall be in keeping with the building restrictions, and if permitted, shall be posted in the entry area and on the door of the office or suite of offices.	34-27-2, 34-27-8	1
213	790-X-2-.07	Place of Business and Signage	Appropriate files and records shall be maintained in the place of business.	34-27-2, 34-27-8	1
214	790-X-2-.13	Activation of Inactive License	A total of 15 clock hours of approved continuing education shall be completed to activate an inactive license when the license is activated for the first time in a license period.	34-27-8, 34-27-35	1
214	790-X-2-.13	Activation of Inactive License	An additional 15 hours of approved continuing education coursework shall be completed to renew the license on active status for the next license period.	34-27-8, 34-27-35	1
215	790-X-2-.14(2)	Evidence of Transfer	The certified or registered mail paid receipt shall be retained by the sender and will serve as evidence of new license(s) issued by the Commission.	34-27-8, 34-27-34	1
216	790-X-2-.14(2)	Evidence of Transfer	The effective date of the transfer shall be the date of mailing as shown by the mail receipt, provided all necessary forms and fees were submitted, completed, and paid.	34-27-8, 34-27-34	1
217	790-X-2-.14(3)	Evidence of Transfer	In cases where all necessary forms and fees are not submitted, completed, and paid within ten (10) days of the commission's receiving of the mailing, the attempted transfer shall be null and void and the Commission shall return all submitted forms and fees to the sender as soon as practicable, together with notice to the licensees involved that the attempted transfer was not completed.	34-27-8, 34-27-34	1

218	790-X-2-.14(4)	Evidence of Transfer	In cases where an attempted transfer is not completed, the qualifying broker under whose authority any licensee acts shall be responsible for those actions.	34-27-8, 34-27-34	1
219	790-X-2-.16(1)	Renewals	If for any reason a licensee fails to receive a renewal form, it shall be the responsibility of the licensee to notify the Commission of this failure by August 10 of the renewal period.	34-27-8, 34-27-34	1
220	790-X-2-.16(2)	Renewals	Only the renewal of a license shall be affected with a renewal form.	34-27-8, 34-27-34	1
221	790-X-2-.16(2)	Renewals	Any changes constituting a transfer must be submitted in accordance with established transfer procedures.	34-27-8, 34-27-34	1
222	790-X-2-.24(1)(a)	Condominium Offices	Licensed persons shall be present to show property for sale or rent and to engage in all other activities requiring a real estate license	34-27-8, 34-27-32	1
223	790-X-2-.24(1)(c)	Condominium Offices	The activities of all licensed and unlicensed persons in the office shall be confined to the business of that one condominium building or complex.	34-27-8, 34-27-32	1
224	790-X-2-.25(1)(a)	Model Home Sales Office	The company shall have a listing agreement covering all first-time sales of all the lots in the subdivision or development	34-27-8, 34-27-32	1
225	790-X-2-.25(1)(b)	Model Home Sales Office	Sales activities shall be limited to the first-time sales, and no re-sales shall be permitted from this office	34-27-8, 34-27-32	2
226	790-X-2-.25(1)(c)	Model Home Sales Office	Only licensed persons shall be present at the office to show property for sale and to engage in the other activities requiring a real estate license	34-27-8, 34-27-32	1
227	790-X-2-.25(1)(d)	Model Home Sales Office	No other business activities of the company shall be conducted at this office.	34-27-8, 34-27-32	1

228	790-X-2-.25(1)(d)	Model Home Sales Office	The activities of all persons in the office shall be confined to the business of that one subdivision or development.	34-27-8, 34-27-32	1
229	790-X-2-.26	Renewals During Military 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.	34-27-8	1
230	790-X-3-.01	Change of Address	It shall be a violation for any licensee to change the address of his place of business as set out on his numbered license certificate and fail to notify the Commission in writing within thirty (30) days after such change has been made.	34-27-8, 34-27-32, 34-27-35	1
231	790-X-3-.01	Change of Address	Such notification shall include both the old and new addresses of the company.	34-27-8, 34-27-32, 34-27-35	1
232	790-X-3-.01	Change of Address	To effect a change of business address, the qualifying broker must submit written notification to the Commission office with a \$25.00 transfer fee for the company or branch license and for each license issued to that company or branch.	34-27-8, 34-27-32, 34-27-35	1
233	790-X-3-.03(1)	Deposit of Funds	The deposit and accounting for at all times of all funds belonging to or being held for others in a separate federally insured account or accounts in a financial institution located in Alabama shall require that the qualifying broker be a customer of the financial institution holding all such accounts and the qualifying broker shall be one of the	34-27-8, 34-27-36(a)	2

			persons with authority to deposit and withdraw funds and to write or make checks as necessary on all such accounts.		
234	790-X-3-.03(2)	Deposit of Funds	Each real estate salesperson or associate broker shall pay over to his or her qualifying broker all funds coming into his or her possession in trust for other parties immediately upon receipt of same.	34-27-8, 34-27-36(a)	1
235	790-X-3-.03(3)	Deposit of Funds	In cases where the funds are U. S. currency, i.e. cash as opposed to a check or note, these funds shall be deposited immediately.	34-27-8, 34-27-36(a)	1
236	790-X-3-.03(3)	Deposit of Funds	In cases where a check is received as earnest money and the contract form states that the check is to be held for a specific length of time or until the occurrence of a specific event, then the check shall be deposited when the contract form states, or if no time for deposit is specified in the contract form, then the check shall be deposited when the offer becomes a contract.	34-27-8, 34-27-36(a)	2
237	790-X-3-.03(4)	Deposit of Funds	Funds to be held in trust under a contract for sale involving more than one qualifying broker shall be held and deposited by any of the qualifying brokers involved in the sale.	34-27-8, 34-27-36(a)	1
238	790-X-3-.03(4)	Deposit of Funds	All funds to be held in trust, whether by contract for sale, or by lease or property management agreement, shall be held and deposited by the qualifying broker who is providing these services to the owner.	34-27-8, 34-27-36(a)	1
239	790-X-3-.03(4)	Deposit of Funds	In cases where a successor qualifying broker is to provide these services, the first broker shall provide a complete accounting of the funds and shall transfer the funds to the successor broker.	34-27-8, 34-27-36(a)	1

240	790-X-3-.03(4)	Deposit of Funds	The qualifying broker who is currently providing services to the owner shall be responsible to the public and to the commission for all funds.	34-27-8, 34-27-36(a)	1
241	790-X-3-.03(4)	Deposit of Funds	Upon request by the Commission or its authorized representative, each qualifying broker shall promptly account for any trust funds being held by that qualifying broker.	34-27-8, 34-27-36(a)	1
242	790-X-3-.03(5)	Deposit of Funds	Disbursement of funds held in trust: Unless otherwise stated in this rule, each qualifying broker shall promptly disburse to the appropriate party or parties any trust funds within 7 business 243days of the consummation of the transaction for which the funds were deposited.	34-27-8, 34-27-36(a)	1
243	790-X-3-.03(5)	Deposit of Funds	If for any reason the transaction is not consummated, or if for any reason there is a disagreement involving to whom trust funds should be disbursed, the qualifying broker shall not disburse any trust funds except pursuant to a written agreement signed by all parties or pursuant to a court order.	34-27-8, 34-27-36(a)	1
244	790-X-3-.03(6)(a)	Deposit of Funds	Alabama Code Sections 35-9A-201 and 35-9A-205 have priority and qualifying brokers shall comply with their instruction.	34-27-8, 34-27-36(a)	1
245	790-X-3-.03(6)(b)(2)	Deposit of Funds	If the qualifying broker does not refund the entire deposit, the qualifying broker, within the 60-calendar-day period, shall provide the tenant an itemized list of amounts withheld.	34-27-8, 34-27-36(a)	1
246	790-X-3-.03(6)(b)(3)	Deposit of Funds	If the tenant fails to provide a valid forwarding address, the qualifying broker shall mail, by first class mail, the deposit or itemized accounting or both, to the tenant at the address of the property.	34-27-8, 34-27-36(a)	1

247	790-X-3-.03(6)(b)(3)	Deposit of Funds	Any deposit unclaimed by the tenant as well as any check outstanding shall be forfeited by the tenant after a period of 90 calendar days.	34-27-8, 34-27-36(a)	1
248	790-X-3-.03(6)(c)	Deposit of Funds	If a landlord and/or qualifying broker terminates a management agreement for leased properties, the qualifying broker shall provide an accounting of all security deposits, prepaid rents and other related escrows, and provide such accounting to the landlord or new manager of the property, within seven (7) business days of the management termination effective date, along with payment of funds.	34-27-8, 34-27-36(a)	1
249	790-X-3-.03(6)(d)	Deposit of Funds	If a landlord conveys property subject to a rental agreement in a good faith sale to a bona fide purchaser, the qualifying broker shall provide an accounting of all security deposits, prepaid rents and other related escrows, and provide such accounting to the purchaser of the property, within seven (7) business days of the closing of the sale, along with payment of funds, if such funds are not already transferred via sale closing documents.	34-27-8, 34-27-36(a)	1
250	790-X-3-.04(1)	Estimated Closing Statement	The licensee who procures a written offer from a buyer in a single family residential transaction shall prepare and furnish to the buyer a complete estimated closing statement at the time the offer is signed by the purchaser.	34-27-8, 34-27-36(a)(22)	1
251	790-X-3-.04(1)	Estimated Closing Statement	This statement must contain the licensee's best estimates of all costs the buyer is expected to have at closing and the approximate amounts of those costs.	34-27-8, 34-27-36(a)(22)	1
252	790-X-3-.04(1)	Estimated Closing Statement	The buyer must acknowledge receipt of the estimated closing statement by signature on the form.	34-27-8, 34-27-36(a)(22)	1

253	790-X-3-.04(2)	Estimated Closing Statement	The licensee who presents a written offer to a seller in a single family residential transaction shall prepare and furnish to the seller a complete estimated closing statement at the time the offer is presented to the seller.	34-27-8, 34-27-36(a)(22)	1
254	790-X-3-.04(2)	Estimated Closing Statement	This statement must contain the licensee's best estimates of all costs the seller is expected to have at closing and the approximate amounts of those costs.	34-27-8, 34-27-36(a)(22)	1
255	790-X-3-.04(2)	Estimated Closing Statement	The seller must acknowledge receipt of the estimated closing statement by signature on the form.	34-27-8, 34-27-36(a)(22)	1
256	790-X-3-.05	Automatic Extensions	Listing contracts shall contain no provision for automatic extensions.	34-27-8, 34-27-36(25)	1
257	790-X-3-.09	Office Inspections	In the event of an office inspection of a real estate company, its qualifying broker shall ensure that the business records required to be kept under state law or by the Rules and Regulations of the Commission are made available to such Commission representatives.	34-27-8, 34-27-36	1
258	790-X-3-.13	Agency/Brokerage Services Disclosure	Licensees, except those engaged in rental or property management services, and those in transactions set out in Section 34-27-82(d), are required to provide the Real Estate Brokerage Services Disclosure form to the consumer as soon as reasonably possible for his or her signature.	34-27-8, 34-27-82 34-27-87	0
259	790-X-3-.13	Agency/Brokerage Services Disclosure	If the consumer declines to sign, the licensee shall make a note to this effect on the form.	34-27-8, 34-27-82 34-27-87	1
260	790-X-3-.14(2)	Agency/Brokerage Office Policy	The qualifying broker shall provide all of his or her licensees with a copy of the office policy.	34-27-8, 34-27-82 34-27-87	0

261	790-X-3-.14(2)	Agency/Brokerage Office Policy	The qualifying broker shall explain the office policy to all of his or her licensees at least once a year.	34-27-8, 34-27-82 34-27-87	0
262	790-X-3-.14(3)	Agency/Brokerage Office Policy	The qualifying broker shall have all of his or her licensees sign a form which acknowledges that he or she has received a copy and a satisfactory explanation of the contents of the office policy.	34-27-8, 34-27-82 34-27-87	0
263	790-X-3-.14(4)	Agency/Brokerage Office Policy	A written agency agreement with the client is required for a qualifying broker and his or her licensees to become a single agent.	34-27-8, 34-27-82 34-27-87	1
264	790-X-3-.14(4)(a)	Agency/Brokerage Office Policy	All qualifying brokers who offer single agency shall include a copy of their agency agreement form(s) in their office policy.	34-27-8, 34-27-82 34-27-87	1
265	790-X-3-.14(4)(b)	Agency/Brokerage Office Policy	A written agency agreement with the client's qualifying broker is required for a qualifying broker and his or her licensees to become a subagent.	34-27-8, 34-27-82 34-27-87	1
266	790-X-3-.14(4)(b)	Agency/Brokerage Office Policy	All qualifying brokers who offer subagency shall obtain written permission from their client to do so and shall include a copy of their subagency agreement form(s) in their office policy.	34-27-8, 34-27-82 34-27-87	2
267	790-X-3-.14(4)(c)	Agency/Brokerage Office Policy	A written agreement is required for a qualifying broker and his or her licensees to become a limited consensual dual agent.	34-27-8, 34-27-82 34-27-87	0
268	790-X-3-.14(4)(c)	Agency/Brokerage Office Policy	All qualifying brokers who offer limited consensual dual agency shall include their limited consensual dual agency agreement form(s) in their office policy.	34-27-8, 34-27-82 34-27-87	1
269	790-X-3-.14(4)(c)	Agency/Brokerage Office Policy	All qualifying brokers who offer transaction broker services by written agreement shall include their transaction brokerage agreement form(s) in their office policy.	34-27-8, 34-27-82 34-27-87	1

270	790-X-3-.14(5)	Agency/Brokerage Office Policy	All qualifying brokers shall include in their office policy a copy of the disclosure form required by Alabama Real Estate Commission Rule <u>790-X-3-.13</u> .	34-27-8, 34-27-82 34-27-87	1
271	790-X-3-.14(5)	Agency/Brokerage Office Policy	Further, all qualifying brokers shall include a copy of their sales contract forms containing the agency disclosure required to be in each offer to purchase by Section <u>34-27-8</u> <i>Code of Ala. 1975</i> , as amended.	34-27-8, 34-27-82 34-27-87	1
272	790-X-3-.15	Broker Supervision	<p>Failure of a qualifying broker to properly supervise his/her company or those licensed under him/her shall include, but is not limited to, the following:</p> <p>(1) Failing to maintain an active broker's license with the Commission and thereby compromising the licensing status of those licensed under the qualifying broker.</p> <p>(2) Allowing a person not licensed by the commission to engage in activities requiring a license on behalf of the qualifying broker or company.</p> <p>(3) Allowing a licensee to conduct licensed activity for a company under which the licensee is not licensed.</p> <p>(4) Allowing a person to engage in activities requiring an active real estate license while that person's license is expired, inactive, pending transfer, suspended, or revoked.</p> <p>(5) Failing to take action to ensure that a licensee complies with any restrictions or conditions placed upon that person's license.</p>	34-27-8, 34-27-34 34-27-36	13

			<p>(6) Directing or instructing a licensee to take any action in violation of state, federal, or local laws or regulations while conducting licensed activity.</p> <p>(7) Failing to take action to prevent a new or existing licensee from violating state, federal, local or license law while conducting licensed activity, if the supervising broker or branch broker has actual knowledge or should reasonably have actual knowledge of the impending violation.</p> <p>(8) Failing to timely take action to correct or mitigate a violation of license law or regulation after learning of the violation.</p> <p>(9) Failing to ensure that all contracts and forms used by the licensee are reviewed for accuracy and compliance with applicable statutes, regulations, and office policies.</p> <p>(10) Failing to ensure that all licensees can maintain reasonable and timely communication with the supervising broker, branch broker, or a competent designee.</p> <p>(11) Failing to oversee and account for the proper handling of funds or property of others by the company or its licensees.</p> <p>(12) Failing to ensure that the company's advertisements or its licensee's advertisements conform with license laws and regulations.</p> <p>(13) Failing to provide an orientation for licensees newly affiliated with the company.</p>		
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