

Text added to existing rules shown in ***bold italics*** DRAFT - Initial Proposal - MM-DD-YY - 1
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Readopt with amendment Rea 301.01 and Rea 301.02, effective 1-23-20 (Document #12977-B), to read as follows:

Rea 301.01 Application Form.

(a) All applicants for licenses under RSA 331-A as brokers shall ~~complete and submit the following:~~

(1) ~~A “Real Estate Broker Application Form”, revised 9/4/2019, which includes the following~~
Submit to the office the information required in Plc 304.03 on the “Universal Application for Initial License” dated 4/2024, that is signed and dated in accordance with Plc 304.05, and;

~~a. A statement that the applicant has completed a “Criminal History Record Information Release Authorization Form,” also known as DSSP256, and submitted the form to the department of safety, division of state police, with the board identified as the recipient of the record or records, as required by RSA 331-A:10-a~~

(2) ***Complete the process established by applicable law and the NHDOS for requesting a criminal records check, accessible via the NHDOS website at <https://www.nh.gov/safety/> or directly at <https://services.dos.nh.gov/chri/cpo/>, including paying any required fee and directing that the results be sent to the office, provided that proof of the applicant’s military security clearance may be provided in lieu of the criminal background check if allowed by applicable law;***

~~b. (3) Submit~~ S-signed affidavits from three character references, as required by RSA 331-A:12, II, which states the following:

“I, the undersigned, on oath depose and say that I am in no way related to the applicant by either blood or marriage, and that said applicant for a real estate license is a person of good repute, trustworthy and entitled to public confidence and that I know of no circumstance or dealing by the applicant which would disqualify him/her ***the applicant*** for the license applied for.”

~~e. The applicant’s signature after the following certification:~~

“I have read and understand the state statutes 331-A and the administrative rules. I attest that the information contained in this form is true and correct to the best of my knowledge and belief and I further acknowledge that the provision of materially false information in the application knowingly provided is a basis for denial and if it is discovered after the license is issued, is a basis for disciplinary action by the board.”;

~~d. If the applicant is a non-resident, a signed irrevocable consent and power of attorney statement, as required by RSA 331-A:22, II~~

e. (4) Submit an “Employing Broker’s Verification of Experience Form” dated 9/4/2019. A signed statement from the employing broker, listing the principal broker’s license number, certifying that the applicant was employed by him or her ***them as a real estate salesperson, listing the dates and the number of hours per week of that employ and whether the applicant was employed full time or part time.***

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~~(2) If the applicant answered “yes” to questions 1, 6, and 9 on the “Real Estate Broker Application Form”, a sheet of paper attached to the application giving full details and an explanation;~~

~~(3) If the applicant answers “yes” to question 5 of the “Real Estate Broker Application Form”, an “Arrest and Conviction Form”, effective June 2017 and available on the commission’s website, including an attachment that explains the circumstances surrounding any arrest or conviction; and~~

~~(4) (5) **Submit** If using a trade a current certificate for the firm name from the New Hampshire secretary of state’s office if using a trade name. name, a “Trade Name Registration and Re-Registration” form, revised 9/2019.~~

~~(b) Applicants for licenses under (a) above and (c) below shall have their prospective principal broker complete the applicable sections, which shall include an attestation by the principal broker that the applicant is of good moral character and is trustworthy, indicated by the principle broker’s signature under the following certification:~~

~~“Upon receipt of the license herein applied for, the above named applicant will be employed by me or will otherwise be under contract with me to perform services as a real estate licensee, and will work under my supervision. I will display his/her license prominently at my place of business, and when he/she leaves my employ I will immediately notify the New Hampshire Real Estate Commission within 5 days, as required by RSA 331-A:17, IV.~~

~~To the best of my knowledge the applicant is of good moral character and is trustworthy.”~~

~~(6) **If the applicant is a non-resident, a signed irrevocable consent and power of attorney statement, as required by RSA 331-A:22, II shall be submitted in addition to the requirements set forth in paragraph (a) above.**~~

~~(e) (b) All applicants for licenses under RSA 331-A as salespersons shall:~~

~~(1) e Complete and submit a “Real Estate Salesperson Application Form”, revised 9/4/2019 **the information required in Plc 304.03 on the “Universal Application for Initial License” dated 4/2024, that is signed and dated in accordance with Plc 304.05;** which includes the following:~~

~~(1) A statement that the applicant has completed a “Criminal History Record Information Release Authorization Form,” also known as DSSP256, and submitted the form to the department of safety, division of state police, with the board identified as the recipient of the record or records, as required by RSA 331-A:10 a;~~

~~(2) **Complete the process established by applicable law and the NHDOS for requesting a criminal records check, accessible via the NHDOS website at <https://www.nh.gov/safety/> or directly at <https://services.dos.nh.gov/chri/cpo/>, including paying any required fee and directing that the results be sent to the office, provided that proof of the applicant’s military security clearance may be provided in lieu of the criminal background check if allowed by applicable law;**~~

~~(2) (3) **Submit** S-signed affidavits from three character references, as required by RSA 331-A:12, II, which states the following:~~

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+rahkiya.e.medley@oplcnh.gov this form is available online, but is not incorporated by reference or otherwise described in the rules.

Commented [RM2R1]:
+Chantell.B.Wheeler@oplcnh.gov I have never seen this described in rule. It is only in the statute. I think it would need to be described in rule or incorporated by reference. I think the REC needs to articulate the intended purpose of this information so this can accurately be reflected in rule

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+rahkiya.e.medley@oplcnh.gov the affidavit is online, but not incorporated by referene, or described in the rules.

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“I, the undersigned, on oath depose and say that I am in no way related to the applicant by either blood or marriage, and that said applicant for a real estate license is a person of good repute, trustworthy and entitled to public confidence and that I know of no circumstance or dealing by the applicant which would disqualify him/~~her~~ ***the applicant*** for the license applied for.”

(3) ~~The applicant’s signature after the following certification:~~

~~“I have read and understand the state statutes 331-A and the administrative rules. I attest that the information contained in this form is true and correct to the best of my knowledge and belief and I further acknowledge that the provision of materially false information in the application knowingly provided is a basis for denial and if it is discovered after the license is issued, is a basis for disciplinary action by the board.”; and~~

(4) ~~In addition to the requirements in paragraph (b) above, I~~ if the applicant is a non-resident, a signed irrevocable consent and power of attorney statement, as required by RSA 331-A:22, II ***shall be submitted.***

~~(5) If the applicant answered “yes” to question 1 through 6 on the “Real Estate Salesperson Application Form”, a sheet of paper attached to the application giving full details and an explanation;~~

(d) (c) All applicants for a broker license as a firm under RSA 331-A shall submit the following:

(1) ~~A completed “Real Estate Commission Firm Application” form, revised 9/2019~~ ***The information required in Plc 304.03 on the “Universal Application for Initial License” dated 4/2024, that is signed and dated in accordance with Plc 304.05;***

(2) A current certificate for the firm name from the New Hampshire secretary of state’s office; and

(3) If the applicant is a non-resident, a signed irrevocable consent and power of attorney statement, as required by RSA 331-A:22, II.

~~(d) (d) All applicants for a broker license as a firm branch shall complete and submit a “Firm Branch Application” form, revised 9/2019~~ ***the information required in Plc 304.03 on the “Universal Application for Initial License” dated 4/2024, that is signed and dated in accordance with Plc 304.05.*** If the applicant is a non-resident, the applicant must sign an irrevocable consent and power of attorney statement, as required by RSA 331-A:22, II.

~~(e) (e) Principal broker and managing broker applicants shall submit to the commission office a surety bond in the sum of \$25,000 to run concurrently with the dates of licensure, executed by the applicant and by a surety company authorized to do business in the state of New Hampshire~~ ***in compliance with RSA 331-A:14.***

Rea 301.02 Fees.

(a) ~~The applicant for each original individual, firm, or firm branch broker license and renewal thereof shall pay a fee of \$110~~ ***Plc 1002.45 shall govern the application processing, examination, and licensing fees.***

(b) ~~The applicant for each original salesperson license and renewal thereof shall pay a fee of \$90.~~ ***Plc 1001 shall govern generally applicable fees, per diems, and reimbursable expenses.***

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- ~~— (c) The broker, salesperson, firm, or firm branch shall pay a fee of \$5 for each duplicate license.~~
- ~~— (d) The broker, salesperson, firm, or firm branch shall pay a fee of \$20 for each license amendment form for Change of Managing Broker of Firm or Branch Office, Change of Principal Broker of Firm or Trade Name, or Activation of an Inactive License~~
- ~~— (e) The broker, salesperson, firm, or firm branch shall pay a fee of \$5 for each certificate of license and good standing.~~
- ~~— (f) The applicant for each qualifying examination shall pay a fee of \$155 for a salesperson examination and \$170 for a broker examination.~~
- ~~— (g) Any individual or firm shall pay a fee of \$25 or 5% of the face amount of the check, whichever is greater, plus all protest and bank fees for each check, draft or money order dishonored and returned to the commission pursuant to RSA 6:11-a.~~
- ~~— (h) The broker, salesperson, firm, or firm branch shall pay a late fee of \$60, in addition to the regular renewal fee, for renewal of a license up to 6 months after license expiration.~~
- ~~— (i) Any broker or salesperson whose license has lapsed who has appeared before the commission pursuant to a request under RSA 331-A:18, II, and who has been granted reinstatement shall pay a lapsed fee of \$200 for each four week period or part thereof after the date of lapse. Such fee shall be in addition to the regular renewal fee and late fee, for reinstatement of a lapsed license after the license is deemed expired. The foregoing lapsed fee may be waived upon good cause shown. Good cause shall include serious accident, illness, or other circumstances beyond the control of the candidate.~~
- ~~— (j) Real estate course providers shall pay an evaluation fee of \$100 each time a course is submitted to the commission for accreditation or reaccreditation.~~
- ~~— (k) Real estate applicants and licensees shall pay a fee of \$10 for each course submitted to the commission to be evaluated for pre-licensing education credit or continuing education credit.~~
- ~~— (l) The fee for photocopies shall be \$0.25 per page copied.~~
- ~~— (m) The fee per disc of recorded audio shall be \$30.00.~~
- ~~— (n) The fee for roster lists shall be \$25.00.~~

Readopt with amendment Rea 301.03, effective 7-21-21 (Document #13240), to read as follows:

Rea 301.03 Filing Requirements.

(a) All candidates for the real estate licensing examination shall file a completed “New Hampshire Real Estate Examination Registration Form”, together with the examination fee ***specified in Plc 1002.45***, and the completed ~~pre-licensing course affidavit~~ ***if applicable, in the office of the commission with the office*** prior to scheduling a real estate exam.

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(b) The candidate shall supply on such registration form the following:

- (1) Legal name and address of candidate registering to take the real estate licensing examination;
- (2) Phone number;

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- (3) Social security number, as required by RSA 161-B:11, VI-a;
- (4) Email address;
- (5) Date of birth;
- ~~(6) Gender;~~
- ~~(7)~~**(6)** *Instructor's* S school code;
- ~~(8) Broker designation;~~
- ~~(9)~~**(7)** Date of previous real estate licensing examination taken in this state, if any;
- ~~(10)~~**(8)** The test type being requested, whether salesperson or broker;
- ~~(11)~~**(9)** The test portion being requested, whether state, national, or both; and
- ~~(12)~~**(10)** Signature of candidate, dated with the date the applicant signed the form.

(c) Candidates who apply for the broker examination based on being licensed in another state for at least one calendar year shall submit the name of each state in which the candidate is licensed, ***documentation of every state examination and national examination the applicant has taken***, the license number from each state, and a certificate of good standing from the licensing authority of the state in which the person was licensed along with the examination registration.

(d) No notice to schedule an examination shall be mailed to any candidate unless and until a completed registration form, completed pre-licensing course affidavit if applicable, certificate of good standing if applicable, and examination fee have been received and accepted in the office of the commission.

(e) All candidates shall take the examination within 3 months from the date of receipt of the exam registration ~~at the office of the commission.~~

(f) Any candidate who fails to take the examination within the 3-month period as required by Rea 301.03(e) shall be required to submit a new registration and fee.

(g) Any candidate who fails to take the examination within the 3-month period as required by Rea 301.03(e) due to good cause under (2) below may request up to an additional 30 calendar days by:

- (1) ~~Filing with the commission~~ a written request for a waiver no later than the last business day prior to the expiration of the 3-month period as required by Rea 301.03(e);
- (2) Late filing shall be justified by a showing of good cause. Good cause shall include serious accident, illness, or other circumstances beyond the control of the candidate which actually prevent the candidate from taking the examination; and
- (3) Relevant supporting documentation ~~from the candidate's physician or medical professional~~ shall be furnished to the commission when necessary for a fair and informed determination by the commission or designee.

(h) Candidates for the broker or salesperson exam shall attain a minimum score of 70%.

(i) Candidates who apply for the broker examination based on employment as a salesperson pursuant to RSA 331-A:10, II(c)(1)-(2) shall submit the ***"Employing Broker's Verification of Experience Form"*** ~~dated 9/4/2019.~~ the following in the application for licensure:

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- ~~(1) Verification of dates of employment as a salesperson by employing broker;~~
- ~~(2) Amount of time worked as a salesperson as defined in RSA 331-A:2, X; and~~
- ~~(3) Notarized signature of employing broker attesting that the information supplied on the "Broker Application" referenced in Rea 301.01(a)(1) is true.~~

(j) Candidates who seek approval to take the broker examination based on equivalent experience pursuant to RSA 331-A:10, II(c)~~(3)~~ shall complete and submit an "Equivalent Experience Form to One Year's Service as a Licensed Salesperson", revised June 2021.

(k) Candidates for the broker examination shall show proof of completion of 60 hours of approved study, pursuant to RSA 331-A:10, II, consisting of the following:

- (1) A juris doctor degree from an accredited law school obtained by a licensed attorney who actively practices or practiced in real estate law within the last 5 years;
- (2) One of the following degrees ~~within 5 years prior to the date of examination~~:
 - a. A bachelor's degree with a major in real estate from an accredited college, university, or institute of higher learning;
 - b. A bachelor's degree from an accredited college, university, or institute of higher learning, having completed coursework equivalent to a major in real estate; or
 - c. An associate's degree in real estate from an accredited institution; or
- (3) Successful completion of the education requirements and receipt of the designation for at least one of the following within 5 years prior to the date of examination:
 - a. Certified Commercial Investment Member (CCIM) ***or its successor organization***; or
 - b. Graduate, Realtor Institute (GRI) ***or its successor organization***.

(l) The following items may be applied towards the 60 hours of approved study:

- (1) Real estate continuing education courses previously approved by the commission for credit that have been successfully completed within 24 months prior to the date of examination may be submitted consisting of one or more of the following:
 - a. One 3 hour accredited core course; and
 - b. Accredited elective courses;

~~(m)-(2)~~ Evidence of successfully completing 40 hours of accredited pre-licensing education may be submitted consisting of the following:

~~(1)-a.~~ New Hampshire accredited pre-licensing education with a minimum of 32 hours of classroom attendance or real-time internet live-class distance education pursuant to 2. below, or a combination thereof, and no more than 8 hours of distance education which began within ~~6~~ ***12*** months prior to the date of examination in compliance with the following:

1. Pre-licensing distance education that is not real-time internet live-class shall only be allowed for acceptable absences, including:

- (i) Family emergencies;

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- (ii) Illnesses;
- (iii) Technical issues during real-time internet live-class; and
- (iv) Other unforeseen circumstances;

2. Real-time internet live-class shall:

- (i) Have live video and audio feeds of all participants that will allow real time visualization, instructor, monitoring, and communication among all participants;
- (ii) Be equal to one credit hour for each hour of real-time internet live-class for an attendee who was present by video and audio throughout the hour(s); and
- (iii) Allow the students to view a live video stream of the instructor unless the instructor is presenting instructional material through a shared screen presentation.

3. All distance education, that is not a real-time internet live-class, shall be provided through audio or visual recordings or correspondence delivery with a final examination consisting of a minimum of 25 questions; and

4. Pre-licensing distance education shall not exceed 2 classes; or

b. A minimum of 32 hours of classroom attendance and no more than 8 hours of distance education which began within 6 months prior to the date of examination consisting of 34 hours of accredited national material completed in another state and a minimum of 6 hours of New Hampshire accredited state material; or

(3) Real estate related credit courses successfully completed within the past 5 years at an accredited college, university, or institute of higher learning, and evidenced by a transcript, may be submitted to the ~~commission~~***office*** for approval, including courses with topics such as, but not limited to:

- a. Accounting;
- b. Management;
- c. Real estate law;
- d. Finance;
- e. Real estate investment;
- f. Appraisal courses; and
- g. Paralegal courses.

~~(m)~~ ***(n)*** Each hour of the courses outlined in (1)(1) and (2), above, shall count towards one hour of credit toward the required 60 hours. All 3- credit or more courses submitted and approved under (1)(3) as real estate related education shall receive 12 credit hours.

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~~(n)(o)~~ Schools or individuals may seek accreditation of education not included in (k)(3) and (l)(1) through (3) above or (p) below by submitting the course content outline, course materials, course hours, course accreditation, and certificate of completion to the ~~commission~~ ***office***.

~~(p)(p)~~ For purposes of (l)(2) above, proof of a pre-licensing course previously used to fulfill the salesperson's education requirement shall not be used to fulfill the broker education requirement.

~~(p)(q)~~ Candidates for the salesperson examination shall complete 40 hours of approved study prior to the date of examination, pursuant to RSA 331-A:10, I.

~~(q)(r)~~ Evidence of successfully completing 40 hours of accredited pre-licensing education shall be submitted consisting of the following:

(1) New Hampshire accredited pre-licensing course with a minimum of 32 hours of classroom attendance or real-time internet live-class distance education pursuant to a.1. below, or a combination thereof, and no more than 8 hours of distance education which began within 6 months prior to the date of examination in compliance with the following:

a. Real-time internet live-class shall:

1. Have live video and audio feeds of all participants that will allow real time visualization, instructor monitoring, and communication among all participants;
2. Be equal to one credit hour for each hour of real-time internet live-class for an attendee who was present by video and audio throughout the hour(s); and
3. Allow the students to view a live video stream of the instructor unless the instructor is presenting instructional material through a shared screen presentation.

b. Pre-licensing distance education, that is not real-time internet live-class, shall only be allowed for acceptable absences, including:

1. Family emergencies;
2. Illnesses;
3. Technical issues during real-time internet live-class; and
4. Other unforeseen circumstances;

c. All distance education, that is not a real-time internet live-class, shall be provided through audio or visual recordings or correspondence delivery with a final examination consisting of a minimum of 25 questions; and

d. Pre-licensing distance education, that is not a real-time internet live-class, shall not exceed 2 classes; or

(2) A minimum of 32 hours of classroom attendance and no more than 8 hours of distance education which began within 6 months prior to the date of examination consisting of 34 hours of accredited national material completed in another state and a minimum of 6 hours of New Hampshire accredited state material.

~~(r)(s)~~ Candidates who fail to satisfy the education requirement pursuant to RSA 331-A:10 prior to the date of the examination shall re-take the exam in its entirety. This shall apply even if the candidate passes a portion or all of the examination.

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~~(s)~~***(t)*** Examination candidates shall not send the application for license and license fee to the ~~commission~~ ***office*** until after they have received notification that they passed both the uniform and state portions of the written examination, or passed the state portion for reciprocal non-resident licensees, ***and the national examination.***

~~(t)~~***(u)*** Real estate applicants shall not complete the broker or salesperson application for a license, including all notarized signatures, more than 30 days prior to submission to the ~~commission~~ ***office.***

Readopt with amendment Rea 301.04, effective 6-18-17 (Document #12213), to read as follows:

Rea 301.04 Dishonored Checks, Drafts or Money Orders.

(a) No candidate for the real estate licensing examination shall be permitted to take the test for which ~~he or she is~~ ***they have*** registered if the ~~commission~~ ***office*** is notified that the check, draft, or money order used to pay the examination fee has been dishonored. Such candidate shall be required to wait until the prescribed fee for ~~his or her~~ ***the*** dishonored check, draft, or money order accompanies the new registration form and examination fee.

(b) Any applicant or licensee who has paid a fee or fine to the ~~commission~~ ***office*** with a check, draft or money order that has subsequently been dishonored, shall ***pay the fee as described in Plc 1001.12.*** within 14 days after receiving notice from the commission that said check, draft or money order has been dishonored, ~~remit to the commission the required original or renewal fee plus the fee prescribed by Rea 301.02(g) for a dishonored check, draft or money order.~~

Repeal Rea 301.05, effective 6-18-17 (Document # 12213), and hold said section in reserve as follows:

~~Rea 301.05 Computerized Lists Distribution. A computerized list of licensees who have agreed to share their name, business or personal email, and business or personal mailing address shall be furnished upon request. The fee shall be pursuant to Rea 301.02. **RESERVED**~~

Readopt with amendment Rea 302.01 , effective 6-18-17 (Document #12213), to read as follows:

Rea 302.01 Programs of Study Accreditation and Re-accreditation.

(a) Any individual applying for accreditation or any firm applying for accreditation to instruct a real estate pre-licensing or continuing education course shall submit to the ~~commission~~ ***office*** documents substantiating the applicant's qualifications to instruct such course, including, but not limited to (b), (c), and (d) below. If the commission or its designee has any questions or needs further information prior to approving or denying the accreditation, it shall schedule the applicant to appear before the commission or its designee to address such questions or provide such information ***pursuant to Plc 206.***

(b) All individuals applying for accreditation as a pre-licensing education instructor shall demonstrate the following:

(1) Brokerage experience qualifications or other qualifications found by the commission to be equivalent to an active license with a minimum of ~~3~~ ***5*** years of on-going experience in real estate brokerage in New Hampshire; and

(2) Teaching experience qualifications or other qualifications found by the commission to be equivalent to the following:

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- a. Documentation of at least 72 hours of teaching, speaking or presentation experience;
or
 - b. Demonstration of teaching, speaking or presentation skills, such as, but not limited to a one hour unedited video or DVD recording which depicts the applicant teaching pre-licensing material that includes New Hampshire state-specific material; and
- (3) Demonstration of subject matter knowledge before the commission as necessary to substantiate the qualifications or information submitted, pursuant to Rea 302.01(a).
- (c) All individuals applying for accreditation as a core continuing education instructor shall demonstrate the following:
- (1) Brokerage experience qualifications or other qualifications found by the commission to be equivalent to an active license with a minimum of ~~3~~ ***5*** years of on-going experience in real estate brokerage in New Hampshire within ~~3-5~~ years of the date of application; and
 - (2) Teaching experience qualifications or other qualifications found by the commission to be equivalent to the following:
 - a. Documentation of at least 72 hours of teaching, speaking, or presentation experience;
or
 - b. Demonstration of teaching, speaking or presentation skills, such as, but not limited to a one hour unedited video or DVD recording which depicts the applicant teaching New Hampshire core course material; and
 - (3) Demonstration of subject matter knowledge before the commission as necessary to substantiate the qualifications or information submitted, pursuant to Rea 302.01(a).
- (d) All individuals applying for accreditation as an elective continuing education instructor shall demonstrate the following:
- (1) Experience qualifications or other qualifications found by the commission to be equivalent to one of the following:
 - a. A degree from an accredited institution with a major related to the subject matter of the course within 3 years prior to the date of application;
 - b. A certification from an accredited institution related to the subject matter of the course within 3 years prior to the date of application; ~~or~~
 - c. Two years of on-going work experience or teaching experience or a combination of both within the previous 3 years of the date of application that is related to the subject matter of the course; ~~and~~
 - (2) ~~Either of the following:~~
 - ~~a. d.~~ Documentation of at least 15 hours of teaching, speaking or presentation experience or other qualifications found by the commission to be equivalent; ~~or~~
 - ~~b.~~ ~~Demonstration of teaching, speaking or presentation skills, such as, but not limited to a one hour unedited video or DVD recording which depicts the applicant teaching material on the subject matter of the course.~~

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(e) All individuals or firms shall apply for re-accreditation of pre-licensing, core, and elective continuing education courses within 2 years from the date of original accreditation or re-accreditation.

(f) All accredited individuals, institutions or organizations shall submit notice of any substantive changes to accredited courses to the commission during the 2- year accreditation or reaccreditation period.

Readopt Rea 302.02 , effective 6-18-17 (Document #12213), to read as follows:

Rea 302.02 Course Outline.

(a) Applicants for accreditation and re-accreditation of a pre-licensing course shall submit an outline showing 40 course hours to be taught, on subject areas approved by the commission, including but not limited to:

- (1) New Hampshire RSA 331-A;
- (2) New Hampshire Administrative Rules Chapters Rea 100-700;
- (3) New Hampshire real estate practices relating to:
 - a. Human rights;
 - b. Environmental issues;
 - c. Condominium Act, RSA 356-B;
 - d. Planning and zoning;
 - e. Wetlands;
 - f. Taxation;
 - g. Manufactured housing;
 - h. Property management, tenant and landlord practices;
 - i. Recordation; and
 - j. Descent and distribution;
- (4) Listing property, including:
 - a. Listing;
 - b. Assessment of property value; and
 - c. Services to the seller;
- (5) Selling property, including:
 - a. Services to the buyer; and
 - b. Advising buyers of outside services;
- (6) Property management, including:
 - a. Leasing, and;

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- b. Management;
- (7) Settlement or transfer of ownership, including:
 - a. Tax issues;
 - b. Titles;
 - c. Settlement procedures; and
 - d. Completion of the transaction;
- (8) Financing, including:
 - a. Sources of financing;
 - b. Types of loans;
 - c. Terms and conditions; and
 - d. Common clauses and terms in mortgage instruments; and
- (9) Professional responsibilities, fair practices, and administration.

Readopt with amendment Rea 302.03, effective 7-21-21 (Document #13240), to read as follows:

Rea 302.03 Required Post-Licensing Continuing Education Course Learning Objectives.

(a) A post-licensing course shall meet or exceed the commission's learning objectives in one of the following 4 required course topics:

- (1) Purchase and Sales (P&S) agreements;
- (2) Ethical behavior;
- (3) Disclosure forms; or
- (4) Agency.

(b) Courses for each of the 4 required topics shall:

- (1) Be accredited for a minimum of 2 hours and no more than 3 hours each;
- (2) Meet or exceed the commission's learning objectives for that course; and
- (3) Be taught either in-class or by internet live-class, pursuant to the following:
 - a. Real-time internet live-class shall:
 - 1. Have live video and audio feeds of all participants that will allow real time visualization, instructor monitoring, and communication among all participants;
 - 2. Be equal to one credit hour for each hour of real-time internet live-class for an attendee who was present by video and audio throughout the hour(s); and

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3. Allow the students to view a live video stream of the instructor unless the instructor is presenting instructional material through a shared screen presentation.

(c) Applicants for accreditation and re-accreditation of a required post-licensing course in one of the 4 following topics shall submit a course outline and required supporting course documentation:

(1) For P&S agreements including but not limited to:

- a. A comprehensive review of a sample of an acceptable P&S agreement;
- b. Establishing a minimal knowledge and competence in the preparation of a P&S agreement;
- c. Achieving a basic understanding of the process of filling out a P&S agreement;
- d. Achieving an understanding of the various paragraphs and clauses of a P&S agreement;
- e. Achieving an understanding of the roles and relationships of the licensee(s) involved in the preparation of a P&S agreement; and
- f. Understanding the dangers of the unauthorized practice of law;

(2) For disclosures including but not limited to:

- a. Achieving a basic knowledge and understanding of the many mandatory disclosure requirements under New Hampshire and federal statutes;
- b. Achieving a basic understanding of the voluntary disclosures that deal with other issues related to New Hampshire laws and rules;
- c. Achieving a basic understanding of New Hampshire laws and federal statutes related specifically to material condition of real property; and
- d. Achieving a basic understanding of the various forms required and or used to document written disclosures;

(3) For agency including but not limited to:

- a. Achieving a broad understanding of the various roles and relationships available for New Hampshire real estate firms to select as business models;
- b. Helping licensees establish a working knowledge of the duties and obligations inherent in representing or working with clients and customers;
- c. Familiarizing licensees with the various forms used, and disclosure requirements involved, in the practice of agency in New Hampshire; and
- d. Helping licensees understand the specific role of ***an agent, a dual agent, and a facilitator*** in New Hampshire and the limitations that apply; and

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(4) For ethical behavior including but not limited to:

- a. Introducing and developing the concept of ethical behavior generally in society and especially in professional business practice;
- b. Exploring the value of ethical behavior in business practice to achieve an understanding of how that level of professionalism benefits both the consumer and the professional;
- c. Reviewing the most basic requirements of New Hampshire law as the legal foundation for brokerage practice in New Hampshire;
- d. ~~Using the current National Association of Realtors® (NAR) Code of Ethics as an example of a long established Code of Ethics to provide the students with a better understanding of:~~
 1. ~~Similarities between New Hampshire license law and the NAR Code of Ethics;~~
 2. ~~Differences between New Hampshire license law and the NAR Code of Ethics to establish the value of practicing at a higher level than the minimal standards of license law; and~~
 3. ~~Conflicts between the NAR Code of Ethics and New Hampshire law or rules.~~
- e. ~~Using the NAR Code of Ethics as an example to demonstrate how ethics and law evolve and intersect over time to reflect societal and market changes;~~
- f. ~~Reviewing and comparing the enforcement process for both license law and ethics;~~
- g. ~~Using the NAR Code of Ethics as an example to point out recent changes designed to adapt to professional, societal, and market changes; and~~
- h. ~~Establish that the commission frequently requires licensees found in violation of its regulations to take an ethics class to improve those licensees' understanding of professional conduct.~~

Adopt Rea 303.01, previously effective 8-1-12 and expired 8-1-22 (Document #12213), to read as follows:

Rea 303.01 Examination Schedule. Examinations for broker and salesperson candidates shall be scheduled a minimum of 4 times a year.

Readopt with amendment Rea 303.02, effective 6-18-17 (Document #12213), to read as follows:

Rea 303.02 Examination Response Records. All records of candidate examination responses shall remain the property of the ~~commission~~**office** and shall be maintained ~~for at least one year from the date of examination~~ **in accordance with the Plc 102.05(c)**.

Readopt Rea 303.03 through Rea 303.05, effective 6-18-17 (Document #12213), to read as follows:

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Rea 303.03 Examination Failure. Candidates for the broker or salesperson examination who took the examination and are notified that they did not receive a passing grade for part or all of the examination shall submit a new examination fee and the original failing score report(s) if they desire to be rescheduled.

Rea 303.04 Failure to Attend Examination. Any candidate who fails to attend an examination for which they are scheduled shall be required to submit a new examination fee and registration form if they desire to be rescheduled.

Rea 303.05 Partial Examinations.

(a) Candidates for the broker and salesperson examination who took the examination and are notified by the testing service that they received a passing grade for only one portion, either the uniform portion or the state portion, of the examination, shall not be required to re-take the portion of the examination which they passed. Such candidates shall submit a new examination fee and the original passing and failing score report(s) if they desire to be rescheduled to take only the portion of the examination which they failed.

(b) A minimum passing grade of 70% for both the uniform and state portions of the examination shall be obtained within a 6- month period from the date of the original examination in order to qualify for licensing as a real estate salesperson or broker. Candidates who fail to attain a passing grade on both portions of the examination within a 6 -month period from the date of the original examination or after 8 examinations shall be required to complete an accredited pre-licensing course in addition to any pre-licensing course previously submitted to take the original examination and re-take the examination in its entirety.

Readopt with amendment Rea 304, effective 6-18-17 (Document #12213), to read as follows:

PART Rea 304 RECIPROCITY LICENSE RECOGNITION

Rea 304.01 Reciprocity Recognition for Licensure. ~~Reciprocity requirements regarding licensing shall be as specified in Rea 301.03(e)~~ ***Salespersons and brokers must pass the national examination and the New Hampshire portion of the licensing examination.***

(a) Salespersons and brokers who have passed the national and state examinations of another jurisdiction and who hold an active license in good standing issued by the other jurisdiction must pass the New Hampshire portion of the examination prior to applying for an equivalent license in New Hampshire.

(b) Salespersons and brokers who have passed the state portion of another jurisdiction and who hold an active license in good standing in another jurisdiction must pass the national examination and the New Hampshire portion of the licensing examination prior to applying for an equivalent license in New Hampshire.

Readopt Rea 305.01 through Rea 305.04, effective 6-18-17 (Document #12213), to read as follows:

Rea 305.01 Foreign Corporation.

(a) A corporation organized under the laws of another state shall be registered with the New Hampshire secretary of state pursuant to RSA 293-A in order to do business in New Hampshire.

(b) A completed "Firm Application" form, effective June 2017, shall be filed with the commission ***"Universal Application for Initial License", dated April 2024 shall be submitted*** by the principal broker,

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+rahkiya.e.medley@oplc.nh.gov RSA 331-A:11-a was amended in 2022. I've edited Rea 304.01 accordingly. Can we ask the Commission about this?

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shall contain the signature of the principal broker and power of attorney in order to have its New Hampshire real estate license issued in its corporate name.

~~— (c) “Firm Application” forms shall contain the notarized signature of the principal broker and power of attorney.~~

~~—(d) (c) ***The*** principal broker shall supply a current certificate from the NH secretary of state for the registered corporation, along with the completed “Firm Application” form ***application*** described in (b) above.~~

Rea 305.02 Firms. An individual or firm requesting a license or license amendment showing a trade name or firm name, shall submit with each original and renewal application, a certificate of filing, as required by the New Hampshire secretary of state, of required documents before the ~~commission~~***office*** shall issue such license.

Rea 305.03 Form of License Certificates and Cards.

~~— (a) Upon receiving the completed license application, the required fee, and evidence that the license applicant has met all other requirements and qualifications for licensure, the commission shall issue an appropriate license and card.~~

~~— (b) Licenses and cards issued shall contain in part or whole the following information:~~

- ~~(1) Whether the license is a broker, salesperson, firm, or firm branch license;~~
- ~~(2) The name, trade name, or both, city, and state of the broker, salesperson, firm, or firm branch;~~
- ~~(3) The principal broker of the salesperson, associate broker, or firm license;~~
- ~~(4) The managing broker of the firm branch license;~~
- ~~(5) The beginning date and expiration date of the license;~~
- ~~(6) The effective date of the license; and~~
- ~~(7) The license number as issued by the commission.~~

Rea 305.04 Placement of License Certificates.

~~(a) In situations where wall display of license certificates is not desired, the certificate of each licensed firm, principal broker and those of all licensed brokers and salespersons working through that principal broker may instead be prominently displayed in a public area in a manner offering easy visibility and accessibility to any client, customer, or a member of the public wishing to examine them ***The certificate of each licensee shall be prominently displayed in a public area in a manner offering easy visibility and accessibility to any client, customer, or member of the public.***~~

(b) In the case of a firm branch office, the firm branch, managing broker, and those of all licensed brokers and salespersons working through that managing broker shall display license certificates in accordance with (a) above.

Readopt with amendment, Rea 305.05, effective 1-23-20 (Document #12977-B), to read as follows:

Rea 305.05 Letter of Good Standing.

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(a) A completed “Letter of Good Standing” form, revised ~~9/2019~~ ***April, 2024***, shall be submitted with the appropriate fee ***described in Plc 1001.15*** to the ~~real-estate commission~~ ***office***.

(b) Upon receiving the completed form and the required fee, the ~~commission~~ ***office*** shall issue an appropriate letter.

(c) Letters issued shall contain in part or whole the following information regarding the licensee:

- (1) Name;
- (2) ~~Home~~ ***Business*** address;
- (3) Real estate license number;
- (4) Whether the licensee is a broker or salesperson;
- (5) Date the broker or salesperson license was issued;
- (6) Date the license is due to expire;
- (7) Whether the license was obtained by examination;
- (8) The license expiration date; and
- (9) Whether or not there is any disciplinary action filed against the licensee.

APPENDIX I

Rule	Specific State Statute the Rule Implements
Rea 301.01	RSA 331-A:10; 10-a; 12; 14; 16, I; 25, V
Rea 301.02	2023, 79:336; 2024, 327:244; RSA 310:5, I
Rea 301.03	RSA 331-A:10; 25, II, III, XIV
Rea 301.03 (a)-(f), (h), (i), (l), (m), (n), (q), (r)	RSA 331-A:10, I(b), II(b); RSA 331-A:11-a; RSA 331-A:25, II, III
Rea 301.03 (j),	RSA 331-A:10, II(b); RSA 331-A:25, XIV
Rea 301.03 (g), (k), (o), (p), (s), (t), and (u)	RSA 331-A:10; RSA 331-A:11-a; RSA 331-A:25, II, III
Rea 301.04	RSA 331-A:11; RSA 310:5, I
Rea 301.05	RSA 91-A:4
Rea 302.01 – 302.02	RSA 331-A:20; 25, VIII
Rea 303.02	RSA 331-A:11; 25, II
Rea 303.03	RSA 331-A:11; 25, II, III
Rea 303.04	RSA 331-A:11, 25, II
Rea 303.05	RSA 331-A:11; 25, II, III
Rea 303.04	RSA 331-A:11, 25, II
Rea 303.05	RSA 331-A:11; 25, II, III
Rea 304.01	RSA 331-A:11-a: 12; 22
Rea 305.01-305.02	RSA 331-A:12, IV; 22
Rea 305.03 (repeal)	2024, 327:246, eff. July 1, 2024
Rea 305.04	RSA 331-A:25, II
Rea 305.05	RSA 331-A:11-a, RSA 331-A:25, XIV

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