

1 21 NCAC 58A .0101 is amended as published in 31:10 NCR 1023 as follows:

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3 **21 NCAC 58A .0101 PROOF OF LICENSURE**

4 (a) The annual ~~license renewal~~ pocket card issued by the Commission to each ~~licensee broker~~ shall be retained by
5 the ~~licensee broker~~ as evidence of licensure. Each ~~licensee broker~~ shall ~~carry his or her pocket card on his or her~~
6 ~~person at all times while engaging in real estate brokerage and shall produce a legible form of the card~~ as proof of
7 licensure whenever requested ~~while engaging in real estate brokerage~~.

8 ~~(b) The qualifying broker of a firm shall retain the firm's renewal pocket card at the firm and shall produce it upon~~
9 ~~request as proof of firm licensure as required by Rule .0502.~~

10 ~~(c)~~(b) Every licensed real estate business entity or firm shall prominently display its license certificate or a copy of
11 its license certificate facsimile thereof in each office maintained by the entity or firm. A broker-in-charge shall also
12 prominently display his or her license certificate in the office where he or she is broker-in-charge.

13 ~~(d) Every licensee shall include his or her license number in agency contracts and disclosures as provided in Rule~~
14 ~~.0104 of this Subchapter.~~

15 (c) A replacement real estate license or pocket card may be obtained by:

16 (1) submitting a written request to the Commission that includes the broker or firm's:

17 (A) legal name;

18 (B) license number;

19 (C) physical and mailing address;

20 (D) phone number;

21 (E) email address;

22 (F) proof of legal name change pursuant to Rule .0103 of this Section, if applicable; and

23 (G) signature;

24 (2) paying a five dollar (\$5.00) replacement fee.

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26 *History Note: Authority G.S. 93A-3(c); 93A-4;*

27 *Eff. February 1, 1976;*

28 *Readopted Eff. September 30, 1977;*

29 *Amended Eff. July 1, 2017; July 1, 2005; April 1, 2004; October 1, 2000; September 1, 1998;*

30 *August 1, 1998; April 1, 1997; February 1, 1989.*

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1 21 NCAC 58A .0103 is amended with changes as published in 31:10 NCR 1024 as follows:

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3 **21 NCAC 58A .0103 BROKER NAME AND ADDRESS**

4 (a) Upon initial ~~licensure~~ licensure, every broker shall notify the Commission of the broker's current personal name,
5 firm name, trade name, residence address, firm address, telephone number, and email address. All addresses
6 provided to the Commission shall be sufficiently descriptive to enable the Commission to correspond with and
7 locate the broker.

8 (b) Every broker shall notify the Commission in writing of each change of personal name, firm name, trade name,
9 residence address, firm address, telephone number, and email address within 10 days of said change. A broker
10 notifying the Commission of a change of [personal] legal name or firm name shall also provide evidence of a legal
11 name change for either the individual or firm, such as a court order or name change amendment from the Secretary
12 of State's Office. ~~All addresses shall be sufficiently descriptive to enable the Commission to correspond with and~~
13 ~~locate the broker.~~

14 (b)(c) In the event that any broker shall advertise or operate in any manner using a name different from the name
15 under which the broker is licensed, the broker shall first file ~~the appropriate~~ an assumed name certificate ~~with the~~
16 ~~office of the county register of deeds in each county in which the broker intends to engage in brokerage activities in~~
17 compliance with ~~G.S. 66-68~~ G.S. 66 – 71.4 and shall notify the Commission in writing of the use of such a firm
18 name or assumed name. An individual broker shall not advertise or operate in any manner that would mislead a
19 consumer as to the broker's actual identity or as to the identity of the firm with which he or she is affiliated.

20 (d) A broker shall not include the name of a provisional broker or an unlicensed person in the legal or assumed
21 name of a sole proprietorship, partnership, assumed name, trade name, or business entity other than a corporation
22 or limited liability company. No broker shall use a business name that includes the name of any ~~active, inactive, or~~
23 ~~cancelled-current or former~~ broker without the permission of that broker or that broker's authorized representative.

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25 *History Note: Authority G.S. 55B-5; 66-68; 93A-3(c); 93A-6(a)(1);*

26 *Eff. February 1, 1976;*

27 *Readopted Eff. September 30, 1977;*

28 *Amended Eff. July 1, 2017; July 1, 2016; April 1, 2013; August 1, 1998; February 1, 1989; May 1,*
29 *1984.*

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1 21 NCAC 58A .0106 is amended as published in 31:10 NCR 1024 as follows:

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3 **21 NCAC 58A .0106 DELIVERY OF INSTRUMENTS**

4 (a) Except as provided in Paragraph (b) of this Rule, every broker shall ~~immediately, but in no event later than five~~
5 ~~days from the date of execution,~~ deliver a copy to the parties thereto copies of any required written agency
6 agreement, contract, offer, lease, ~~rental agreement, or option affecting real property;~~ option, or other pertinent
7 document to their client within five days of the document's execution.

8 (b) A broker may be relieved of ~~his or her~~ the duty to deliver copies of leases or rental agreements to a property
9 owner under pursuant to Paragraph (a) of this Rule to deliver copies of leases or rental agreements to the property
10 owner, if the broker:

11 (1) obtains the prior express written authority of the property owner to enter into and retain copies of
12 leases or rental agreements on behalf of the property owner;

13 (2) executes the lease or rental agreement on a pre-printed form, the material terms of which may not
14 be changed by the broker without prior approval by the property ~~owner~~ owner, except as may be
15 required by law; and

16 ~~(3) promptly provides a copy of the lease or rental agreement to the property owner upon reasonable~~
17 ~~request; and~~

18 ~~(4) delivers to the property owner within 45 days following the date of execution of the lease or rental~~
19 ~~agreement, an accounting which identifies the leased property and which sets forth the names of~~
20 ~~the tenants, the rental rates and rents collected.~~

21 (3) delivers to the property owner an accounting within 45 days following the date of execution of the
22 lease or rental agreement that identifies:

23 (A) the leased property;

24 (B) the name, phone number, and home address of each tenant; and

25 (C) the rental rates and rents collected.

26 (c) Paragraph (b) of this Rule notwithstanding, upon the request of a property owner, a broker shall deliver a copy of
27 any lease or rental agreement within five days.

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29 *History Note: Authority G.S. 93A-3(c);*

30 *Eff. February 1, 1976;*

31 *Readopted Eff. September 30, 1977;*

32 *Amended Eff. ~~July 1, 2017; April 1, 2006;~~ July 1, 2005; July 1, 2001; October 1, 2000; May 1,*
33 *1990; July 1, 1989; February 1, 1989.*

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1 21 NCAC 58A .0302 is amended as published in 31:10 NCR 1024 as follows:

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3 **21 NCAC 58A .0302 FILING AND FEES LICENSE APPLICATION AND FEE**

4 (a) ~~An applicant shall file a complete and accurate application and, except as provided by Rule .0403 of this~~
5 ~~Subchapter, shall submit his or her application to the Commission's office accompanied by the application fee.~~
6 ~~Examination scheduling of applicants who are required to pass the real estate licensing examination shall be~~
7 ~~accomplished in accordance with Rule .0401 of this Subchapter. The fee for an original application of a broker or~~
8 ~~firm license shall be one hundred dollars (\$100.00).~~

9 (b) ~~Except for persons applying for licensure under the provisions of Section .1800 of this Subchapter, the license~~
10 ~~application fee shall be thirty dollars (\$30.00). In addition to the license application fee, applicants for licensure~~
11 ~~who are required to take the license examination must pay the examination fee charged by the Commission's~~
12 ~~authorized testing service in the form and manner acceptable to the testing service. Persons applying for licensure~~
13 ~~under Section .1800 of this Subchapter shall pay the application fee set forth in Rule .1803 of this Subchapter.~~

14 (e) (b) ~~An applicant shall update information provided in connection with an a license application in writing to the~~
15 ~~Commission or submit a newly completed new application form that includes the updated information without~~
16 ~~request by the Commission to assure ensure that the information provided in the application is current and accurate.~~
17 ~~Failure to submit updated information prior to the issuance of a license may result in disciplinary action against a~~
18 ~~licensee broker or firm in accordance with G.S. 93A-6(b)(1). In the event that the Commission requests Upon the~~
19 ~~request of the Commission, an applicant to shall submit updated information or to provide additional information~~
20 ~~necessary to complete the application and the applicant fails to submit such information within 90 days following the~~
21 ~~Commission's request, the Commission shall cancel the applicant's application. days of the request or the license~~
22 ~~application shall be canceled.~~

23 (c) ~~The license application of an individual found by the Commission to be qualified for the licensing examination~~
24 ~~shall be immediately canceled if the applicant fails to to:~~

25 (1) ~~pass a scheduled licensing examination, license examination within 180 days of filing a complete~~
26 ~~application pursuant to Rule .0301 of this Section; or~~

27 (2) ~~fails to appear for and take any scheduled examination for which the applicant has been scheduled~~
28 ~~without having the applicant's examination postponed or absence excused in accordance with Rule .0401(b) and (c)~~
29 ~~pursuant to Rule .0401 of this Section, Subchapter. or fails to take and pass the examination within 180 days of~~
30 ~~filing a complete application as described in Rule .0301 of this Section and having the application entered into the~~
31 ~~Commission's examination applicant file. Except as permitted otherwise in Rule .0403 of this Subchapter, an~~
32 ~~applicant whose license application has been canceled and who wishes to obtain a real estate license must start the~~
33 ~~licensing process over by filing a complete application to the Commission and paying all required fees.~~

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35 *History Note: Authority G.S. 93A-4; 93A-6(b)(1); 93A-9;*

36 *Eff. February 1, 1976;*

37 *Readopted Eff. September 30, 1977;*

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Amended Eff. July 1, 2017; April 1, 2006; July 1, 2004; April 1, 2004; July 1, 2003; October 1, 2000; August 1, 1998; July 1, 1998; July 1, 1996; February 1, 1989.

1 21 NCAC 58A .0304 is amended with changes as published in 31:10 NCR 1025 as follows:

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3 **21 NCAC 58A .0304 ~~EQUIVALENT EXPERIENCE QUALIFICATIONS FOR APPLICANTS-WAIVER~~**
4 **OF 75-HOUR PRELICENSING EDUCATION REQUIREMENT**

5 ~~Experience obtained by a broker applicant in violation of law or rule shall not be recognized by the Commission as~~
6 ~~fulfilling the requirements for licensure when the applicant is requesting the Commission to waive the prescribed~~
7 ~~education requirement based wholly or in part on equivalent experience obtained by the applicant.~~

8 (a) An applicant for a North Carolina real estate broker license may request a waiver of the 75-hour education
9 program required by G.S. § 93A-4(a) by submitting an application to the Commission pursuant to Rule A .0301 of
10 this Section ~~and~~ and, if the waiver requirement is based on education, shall submit:

11 (1) an official transcript and copy of a baccalaureate or higher degree in the field of real estate, real estate
12 brokerage, real estate law, real estate finance, real estate development, or similar field, conferred on the applicant
13 from any college or university accredited by a college accrediting body recognized by the U. S. Department of
14 Education; or

15 (2) an official course completion certificate or transcript evidencing the successful completion of a
16 prelicensing education program in another state that consisted of at least 75-hours of instruction that was completed
17 within one year prior to license application and while the applicant was a resident of said state.

18 (b) The Commission will not consider education or experience obtained in violation of any law or rule as fulfilling
19 the requirements for waiver of the 75-hour prelicensing education requirement.

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21 *History Note: Authority G.S. ~~93A-3(e)~~; 93A-4;*

22 *Eff. July 1, 1993;*

23 *Amended Eff. July 1, 2017; April 1, 2006; October 1, 2000.*

24

1 21 NCAC 58A .0502 is amended with changes as published in 31:10 NCR 1025 as follows:

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3 **21 NCAC 58A .0502 BUSINESS ENTITIES FIRM LICENSING**

4 (a) Every business entity other than a sole proprietorship shall apply for and obtain from the Commission a firm
5 license prior to engaging in business as a real estate broker.

6 (b) An entity that changes its business form other than by conversion shall submit a new firm license application
7 upon making the change and obtain a new firm license. An entity that converts to a different business entity in
8 conformity with and pursuant to applicable North Carolina General Statutes is not required to apply for a new
9 license. However, such converted entity shall provide the information required by this Paragraph in writing to the
10 Commission within 10 days of the conversion and shall include the ~~duplicate license replacement fee prescribed in~~
11 ~~Rule .0509 of this Section pursuant to Rule .0101(c) of this [Subchapter] Subchapter. [to have the firm license~~
12 ~~reissued in the legal name of the converted entity.]~~ Incomplete applications shall not be acted upon by the
13 Commission.

14 (c) ~~Application Firm license application forms for partnerships, corporations, limited liability companies,~~
15 ~~associations, and other business entities required to be licensed as brokers shall be available on the Commission's~~
16 ~~website at www.nerce.gov or upon request to the Commission and shall require the applicant to set forth:~~

- 17 (1) the legal name of the entity;
- 18 (2) the name under which the entity will do business;
- 19 (3) the type of business entity;
- 20 (4) the address of its principal office;
- 21 (5) the entity's NC Secretary of State Identification Number if it is required to be registered with the
22 Office of the NC Secretary of State;
- 23 (6) ~~each federally insured depository institution lawfully doing business in this State where the entity's~~
24 ~~trust account(s) will be held, if applicable;~~
- 25 ~~(6)~~ (7) the name, real estate license number, and signature of the proposed qualifying broker for the
26 proposed firm;
- 27 ~~(7)~~ (8) the address of and name of the proposed broker-in-charge for each office as defined in Rule
28 .0110(a) of this Subchapter, along with a completed broker-in-charge declaration form for each
29 proposed broker-in-charge;
- 30 ~~(8)~~ (9) any past criminal conviction of and any pending criminal charge against any principal in the
31 company or any proposed broker-in-charge;
- 32 ~~(9)~~ (10) any past revocation, suspension, or denial of a business or professional license of any principal in
33 the company or any proposed broker-in-charge;
- 34 ~~(10)~~ (11) if a general partnership, a description of the applicant entity, including a copy of its written
35 partnership agreement or if no written agreement exists, a written description of the rights and
36 duties of the partners, and the name of each partner. If a partner is an entity rather than a natural
37 person, the name of each officer, partner, or manager of that entity, or any entity therein;

1 ~~(11)~~ (12) if a limited liability company (LLC), company, a description of the applicant entity, including a
2 copy of its written operating agreement or if no written agreement exists, a written description of
3 the rights and duties of the managers, and the name of each manager. If a manager is an entity
4 rather than a natural person, the name of each officer, partner, or manager of that entity, or any
5 entity therein;

6 ~~(12)~~ (13) if a business entity other than a corporation, limited liability company, or partnership, a description
7 of the organization of the applicant entity, including a copy of its organizational documents
8 evidencing its authority to engage in real estate brokerage;

9 ~~(13)~~ (14) if a foreign business entity, a Certificate of Authority to transact business in North Carolina issued
10 by the NC Secretary of State and an executed consent to service of process and pleadings; and

11 ~~(14)~~ (15) any other information required by this Rule.

12 (d) When the authority of a business entity to engage in the real estate business is unclear in the application or in
13 law, the Commission shall require the applicant to declare in the firm license application that the applicant's
14 organizational documents authorize the firm to engage in the real estate business and to submit organizational
15 documents, addresses of affiliated persons, and similar information. For purposes of this Rule, the term "principal,"
16 when it refers to a person or entity, means any person or entity owning 10 percent or more of the business entity, or
17 who is an officer, director, manager, member, partner, or who holds any other comparable position.

18 ~~(b)~~(e) After filing a written firm license application with the Commission and upon a showing to the Commission
19 that one principal of the business entity holds a broker license on active status and is in good standing who will serve
20 as qualifying broker of the entity, the entity shall be licensed provided it appears to the Commission that the
21 applicant entity employs and is directed by personnel possessed of the requisite character and fitness required of
22 applicants for a broker license by G.S. 93A-4(b). [A natural person serving as a qualifying broker of a licensed
23 entity shall affiliate with a broker in charge prior to engaging in brokerage activity in the name of the licensed
24 entity.] The qualifying broker of a partnership of any kind shall be a general partner of the partnership; the qualifying
25 broker of a limited liability company shall be a manager of the company; and the qualifying broker of a corporation
26 shall be an officer of the corporation. A licensed business entity may serve as the qualifying broker of another
27 licensed business entity if the qualifying broker-entity has as its qualifying broker a natural person who is licensed as
28 a broker. The natural person who is qualifying broker shall assure to the Commission the performance of the
29 qualifying broker's duties with regard to both entities. A provisional broker may not serve as a qualifying broker.

30 ~~(e)~~(f) The licensing of a business entity shall not be construed to extend to the licensing of its partners, managers,
31 members, directors, officers, employees or other persons acting for the entity in their individual capacities regardless
32 of whether they are engaged in furthering the business of the licensed entity.

33 ~~(f)~~(g) The qualifying broker of a business entity shall assume responsibility for:

- 34 (1) designating and assuring that there is at all times a broker-in-charge for each office and branch
35 office of the entity as "office" and "branch office" are defined in Rule .0110(a) of this Subchapter;
- 36 (2) renewing the real estate broker license of the entity;

- 1 (3) retaining the firm's **renewal current** pocket card at the firm and producing it as proof of firm
2 licensure upon request and maintaining a photocopy of the firm license certificate and pocket card
3 at each branch office thereof;
- 4 (4) notifying the Commission of any change of business address or **legal or** trade name of the entity
5 and the registration of any assumed business name adopted by the entity for its use;
- 6 (5) notifying the Commission in writing of any change of his or her status as qualifying broker within
7 10 days following the change;
- 8 (6) securing and preserving the transaction and trust account records of the firm whenever there is a
9 change of broker-in-charge at the firm or any office thereof and notifying the Commission if the
10 trust account records are out of balance or have not been reconciled as required by Rule .0117 of
11 this Subchapter;
- 12 (7) retaining and preserving the transaction and trust account records of the firm upon termination of
13 his or her status as qualifying broker until a new qualifying broker has been designated with the
14 Commission or, if no new qualifying broker is designated, for the period of time records are
15 required to be retained by Rule .0108 of this Subchapter;
- 16 (8) notifying the Commission if, upon the termination of his or her status as qualifying broker, the
17 firm's transaction and trust account records cannot be retained or preserved or if the trust account
18 records are out of balance or have not been reconciled as required by Rule .0117 of this
19 Subchapter; and
- 20 (9) notifying the Commission regarding any revenue suspension, revocation of Certificate of
21 Authority, or administrative dissolution of the entity by the NC Secretary of State within 10 days of
22 the suspension, revocation, or dissolution.

23 ~~(h)~~ Every licensed business entity and every entity applying for licensure shall conform to all the requirements
24 imposed upon it by the North Carolina General Statutes for its continued existence and authority to do business in
25 North Carolina. Failure to conform to such requirements shall be grounds for disciplinary action or denial of the
26 entity's application for licensure.

27 (i) Upon receipt of notice from an entity or agency of this State that a licensed entity has ceased to exist or that its
28 authority to engage in business in this State has been terminated by operation of law, the Commission shall cancel
29 the license of the entity.

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31 *History Note:* Authority G.S. 55-11A-04; 93A-3(c); ~~93A-4(a); 93A-4(b); 93A-4(d); 93A-4;~~
32 *Eff. February 1, 1976;*
33 *Readopted Eff. September 30, 1977;*
34 *Amended Eff. July 1, 2017; July 1, 2015; July 1, 2014; July 1, 2009; January 1, 2008; April 1,*
35 *2006; July 1, 2005; April 1, 2004; July 1, 2003; October 1, 2000; August 1, 1998; January 1,*
36 *1997; July 1, 1994; May 1, 1990.*

1 21 NCAC 58A .0503 is amended as published in 31:10 NCR 1027 as follows:

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3 **21 NCAC 58A .0503 LICENSE RENEWAL; RENEWAL PENALTY FOR OPERATING WHILE**
4 **LICENSE EXPIRED**

5 (a) All real estate licenses issued by the Commission under G.S. 93A, Article 1 shall expire on ~~the 30th day of June~~
6 30 following issuance. Any broker desiring renewal of his or her license shall ~~apply for renewal~~ renew on the
7 Commission's website within 45 days prior to license expiration ~~by submitting an electronic renewal application on~~
8 ~~the Commission's website at www.ncrec.gov and submitting with the electronic application the required~~ and shall
9 submit a renewal fee of forty-five dollars (\$45.00). A broker who does not have the ability to renew online may
10 renew by calling the Commission's office during normal business hours posted on the Commission's website.

11 (b) ~~During the renewal process, Every every~~ individual broker shall provide ~~on his or her renewal application~~ an
12 email address to be used by the ~~Commission~~ Commission ~~to communicate with the broker~~. The email address may
13 be designated by the broker as private in order to be exempt from public records disclosures pursuant to G.S. 93A-
14 4(b2). A broker who does not have an email address ~~shall so state on the renewal application. A broker is not~~
15 required to obtain an email address to comply with this Rule.

16 (b) ~~Any person desiring to renew his or her license on active status shall, upon the second renewal of such license~~
17 ~~following initial licensure, and upon each subsequent renewal, have obtained all continuing education required by~~
18 ~~G.S. 93A 4.1 and Rule .1702 of this Subchapter.~~

19 (c) ~~A person renewing a license on inactive status shall not be required to have obtained any continuing education in~~
20 ~~order to renew such license; however, in order to change his or her license from inactive status to active status, the~~
21 ~~broker must satisfy the continuing education requirement prescribed in Rule .1703 or .1711 of this Subchapter.~~

22 (d) ~~Any person or firm that engages in the business of a real estate broker while his, her, or its license is expired~~
23 ~~shall be subject to the penalties prescribed in G.S. 93A 6.~~

24 (c) During the renewal process, every designated broker-in-charge shall disclose:

25 (1) each federally insured depository institution lawfully doing business in this State where the trust
26 account(s) for the broker-in-charge or the entity for which the broker-in-charge is designated is held, if applicable;
27 and

28 (2) any criminal conviction or occupational license disciplinary action that occurred within the
29 previous year.

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31 *History Note:* Authority ~~G.S. 93A-3(c); 93A 4(b2); 93A 4(c); 93A 4(d); 93A-4; 93A-4.1; 93A 4.1(a); 93A-~~
32 ~~4.1(c)(8); 93A-6;~~

33 *Eff. February 1, 1976;*

34 *Readopted Eff. September 30, 1977;*

35 *Amended Eff. July 1, 1994; February 1, 1991; February 1, 1989;*

36 *Temporary Amendment Eff. April 24, 1995 for a period of 180 days or until the permanent rule*
37 *becomes effective, whichever is sooner;*

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Amended Eff. July 1, 2017; July 1, 2014; April 1, 2013; April 1, 2006; January 1, 2006; July 1, 2004; December 4, 2002; April 1, 1997; July 1, 1996; August 1, 1995.

1 21 NCAC 58A .0505 is amended with changes as published in 31:10 NCR 1027 as follows:

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3 **21 NCAC 58A .0505 REINSTATEMENT OF ~~EXPIRED LICENSE, REVOKED, SURRENDERED OR~~**
4 **~~SUSPENDED A~~ LICENSE**

5 ~~(a) Licenses expired for not more than six months may be reinstated upon the submission of payment of a fifty five~~
6 ~~dollar (\$55.00) reinstatement fee. In order to reinstate the license on active status, the person requesting~~
7 ~~reinstatement shall have obtained the continuing education as is required by Rule .1703 of this Subchapter to change~~
8 ~~an inactive license to active status. A person reinstating a license on inactive status is not required to have obtained~~
9 ~~any continuing education in order to reinstate the license; however, in order to subsequently change his or her~~
10 ~~reinstated license from inactive status to active status, the licensee must satisfy the continuing education requirement~~
11 ~~prescribed in Rule .1703 of this Subchapter, and be supervised by a broker in charge in compliance with the~~
12 ~~requirements of Rule .0506 of this Section.~~

13 ~~(b) Reinstatement of licenses expired for more than six months shall be considered upon the submission of a~~
14 ~~complete and accurate application and payment of a fifty five dollar (\$55.00) reinstatement fee. Applicants must~~
15 ~~satisfy the Commission that they possess the current knowledge, skills and competence, as well as the truthfulness,~~
16 ~~honesty and integrity, necessary to function in the real estate business in a manner that protects and serves the public~~
17 ~~interest. To demonstrate knowledge, skills and competence, the Commission may require the applicants to complete~~
18 ~~real estate education or pass the license examination or both.~~

19 ~~(c) Reinstatement of a revoked license shall be considered upon the submission of a complete and accurate~~
20 ~~application and payment of a thirty dollar (\$30.00) fee. Applicants must satisfy the same requirements as those~~
21 ~~prescribed in Paragraph (b) of this Rule for reinstatement of licenses expired for more than six months.~~

22 ~~(d) Reinstatement of a license surrendered under the provisions of G.S. 93A-6(e) shall be considered upon~~
23 ~~termination of the period of surrender specified in the order approving the surrender and upon the submission of a~~
24 ~~complete and accurate application and payment of a thirty dollar (\$30.00) fee. Applicants must satisfy the same~~
25 ~~requirements as those prescribed in Paragraph (b) of this Rule for reinstatement of licenses expired for more than six~~
26 ~~months.~~

27 ~~(e) When a license is suspended by the Commission, the suspended license shall be restored at the end of the period~~
28 ~~of active suspension provided that any applicable license renewal fees that accrued during the time of the suspension~~
29 ~~are paid by the licensee within 60 days from the end of the period of license suspension. In order for the license to~~
30 ~~be restored on active status, the licensee shall demonstrate that the licensee has satisfied the continuing education~~
31 ~~requirement for license activation prescribed by Rule .1703 of this Subchapter and that the licensee is supervised by~~
32 ~~a broker in charge in compliance with the requirements of Rule .0506 of this Section, if applicable. Failure to pay~~
33 ~~the accrued license renewal fees within the time set forth in this Paragraph shall result in expiration of the license~~
34 ~~effective the last day of the suspension period. A former licensee whose license expires under this Paragraph and~~
35 ~~who thereafter seeks reinstatement must satisfy the same requirements as those prescribed in Paragraph (b) of this~~
36 ~~Rule for reinstatement of licenses expired for more than six months.~~

1 ~~(f) Whenever a license is reinstated by the Commission following expiration for more than six months, revocation,~~
2 ~~or voluntary surrender, the date of licensure for the licensee shall be the date of reinstatement and not the date of~~
3 ~~original licensure.~~

4 (a) The fee for reinstatement of a license that has been expired, revoked, ~~or suspended~~ suspended, or surrendered
5 shall be an amount equal to two times the current renewal license fee pursuant to .0503 of this Section.

6 (b) The reinstatement application is a Commission prescribed form available on the Commission's website and
7 shall set forth the applicant's:

8 (1) legal name;

9 (2) mailing, physical, and email address;

10 (3) telephone number;

11 (4) previous license number;

12 (5) Secretary of State identification number, if applicable;

13 (6) social security number and date of birth, if applicable;

14 (7) qualifying broker and broker-in-charge's legal name and license number, if applicable;

15 (8) certification; and

16 (9) signature.

17 (c) An individual seeking reinstatement of a license that has been expired or revoked for less than six months shall
18 submit the reinstatement fee pursuant to Paragraph (a) of this Rule.

19 (d) An individual seeking reinstatement of a license that has been ~~expired or revoked~~ expired, revoked, or
20 surrendered for six months but no more than two years shall:

21 (1) submit a complete reinstatement application pursuant to Paragraph (b) of this Rule;

22 (2) submit the reinstatement fee pursuant to Paragraph (a) of this Rule; and either

23 (A) complete one Postlicensing course within six months prior to submitting his or her
24 reinstatement application;

25 (B) pass both the "National" and "State" sections of the current license examination within
26 ~~six months prior to~~ 180 days after submitting his or her reinstatement application; or

27 (C) pass only the "State" section of the current license examination within ~~six months prior~~
28 ~~to~~ 180 days after submitting his or her reinstatement application if the individual possesses an active broker license
29 in another state.

30 (e) An individual seeking reinstatement of a license that has been ~~expired or revoked~~ expired, revoked, or
31 surrendered for two years or more shall file an original license application pursuant to G.S. § 93A-4 and Rules .0301
32 and .0302 of this Subchapter.

33 (f) A business entity seeking reinstatement of a license that has been expired or revoked:

34 (1) for less than six months shall submit the reinstatement fee pursuant to Paragraph (a) of this Rule.

35 (2) for six months but no more than two years shall:

36 (A) submit a complete reinstatement application pursuant to Paragraph (b) of this Rule; and

37 (B) submit the reinstatement fee pursuant to Paragraph (a) of this Rule.

1 (3) for more than two years ~~[or more]~~ shall file an original firm license application pursuant to G.S. §
2 93A-4 and Rules .0301, .0302, and .0502 of this Subchapter.

3 ~~[(g) An individual or business entity seeking reinstatement of a license that has been suspended shall submit the~~
4 ~~reinstatement fee pursuant to Paragraph (a) of this Rule.]~~

5 ~~[(h)]~~ (g) A license shall be reinstated with the same license number and status, either full or provisional, it held
6 before expiration, revocation, or ~~[suspension]~~ surrender if reinstated within three years from the expiration,
7 ~~revocation, or surrender~~ and shall be effective as of the date of reinstatement, not the date of original licensure. If a
8 license is reinstated after three years from the expiration, revocation, or surrender, the license shall be on provisional
9 broker status. An individual seeking reinstatement of a license on active status shall satisfy the requirements of Rule
10 .1703 of this Subchapter.

11 ~~[(i) An individual or firm seeking restoration of a license surrendered pursuant to G.S. § 93A-6(e) shall, after the~~
12 ~~period of surrender specified in the order accepting the surrender, file an original application pursuant to G.S.~~
13 ~~§93A-4 and either Rules .0301 and .0302 or Rule .0502 of this Subchapter, as applicable.]~~

14
15 *History Note: Authority G.S. 93A-3(c); 93A-4(c),(d); 93A-4; 93A-4.1;*
16 *Eff. February 1, 1976;*
17 *Readopted Eff. September 30, 1977;*
18 *Temporary Amendment Eff. April 24, 1995 for a period of 180 days or until the permanent rule*
19 *becomes effective, whichever is sooner;*
20 *Amended Eff. July 1, 2017; January 1, 2012; July 1, 2009; January 1, 2008; April 1, 2004; July 1,*
21 *2000; August 1, 1998; July 1, 1996; August 1, 1995; July 1, 1995.*

1 21 NCAC 58A .0511 is amended as published in 31:10 NCR 1030 as follows:

2
3 **21 NCAC 58A .0511 LICENSING OF PERSONS LICENSED IN ANOTHER JURISDICTION**

4 ~~(a) Persons applying for a North Carolina broker license who hold a current real estate license that has been on~~
5 ~~active status within the previous three years in another state of the United States, a United States territory or~~
6 ~~possession or a Canadian jurisdiction shall meet the licensing requirements prescribed in G.S. 93A-4 except that~~
7 ~~such persons shall be exempt from the "national" section of the North Carolina real estate license examination, but~~
8 ~~shall pass the "state" section of that examination. A person qualifying for licensure under this provision shall be~~
9 ~~issued a North Carolina broker license on a status comparable to the category of license held by the person in the~~
10 ~~jurisdiction where the qualifying license is held.~~

11 (a) "Jurisdiction" shall mean a state, territory, or possession of the United States or Canada.

12 (b) An individual seeking a real estate license who, at the time of application, holds a current real estate license in
13 another jurisdiction that has been on active status within the three years prior to application may request a waiver of
14 the 75-hour education program required by G.S. § 93A-4(a) and the "National" section of the North Carolina real
15 estate license examination, as defined in Rule .0402(b) of this Subchapter, by submitting an official certification of
16 licensure issued within the six months preceding application to the Commission along with their application for
17 licensure pursuant to Rule .0301 of this Subchapter.

18 ~~(b)(c) Brokers who were licensed in North Carolina by reciprocity shall be entitled to retain such license~~
19 ~~indefinitely, unless suspended, revoked~~ ~~revoked~~, ~~or surrendered pursuant to G.S. 93A-6, so long as the license is~~
20 ~~continuously renewed or is reinstated within six months of expiration pursuant to Rule .0505 of this Section. A~~
21 ~~person who was previously licensed in North Carolina by reciprocity and who seeks reinstatement of that license~~
22 ~~after the license has been expired for more than six months, suspended, revoked or surrendered shall satisfy the~~
23 ~~requirements described in Rule .0505 of this Section.~~

24 (d) Military-trained applicants or military spouses applying for a North Carolina broker license may be issued a
25 temporary practice permit if they satisfy all of the following:

26 (1) the military-trained applicant or military spouse shall be licensed, certified, or registered in
27 another jurisdiction;

28 (2) the military-trained applicant or military spouse shall satisfy the requirements for licensure under
29 G.S. § 93B-15.1 (a) or G.S. § 93B-15.1 (b);

30 (3) the jurisdiction where the military-trained applicant or military spouse holds licensure,
31 certification, or registration has standards that are equivalent to that of G.S. § 93A-4; and

32 (4) the military-trained applicant or military spouse shall provide a copy of the official military orders
33 or a written verification signed by the commanding officer of the military-trained spouse.

34 (d) The military-trained applicant or military spouse may engage in brokerage activity under the temporary practice
35 permit until a license shall be granted or until a notice to deny a license shall be issued, whichever occurs sooner.

36 (e) A temporary practice permit shall automatically expire after 180 days from issuance. An applicant that is issued
37 a temporary practice permit under this Subchapter shall remain a provisional broker for the duration of the permit.

1

2 *History Note:* Authority G.S. 93A-3(c); ~~93A-4(b),(c),(d)~~; 93A-4; 93A-4.1; 93A-9(a); 93B-15.1;

3 *Eff. January 1, 2012;*

4 *Amended Eff. July 1, 2018; April 1, 2013; February 1, 2012.*

1 21 NCAC 58A .0512 is adopted as published in 31:10 NCR 1030 as follows:

2

3 **21 NCAC 58A .0512 DEATH OR INCAPACITY OF SOLE PROPRIETOR**

4 (a) If a licensed real estate broker engaged in business as a sole proprietor dies or becomes incapacitated, the
5 Commission may issue a temporary license to the executor or administrator of the estate of the deceased sole
6 proprietor broker or to the court-appointed fiduciary of the incapacitated sole proprietor broker.

7 (b) A temporary license shall be valid only for the purpose of distributing trust money held or paying commissions
8 owed by the sole proprietor broker at the time of death or incapacity, but shall not otherwise entitle the holder to
9 undertake any action for which a real estate license is required.

10 (c) The Commission shall issue the temporary license upon receipt of:

11 (1) a written notification to the Commission of the date of the broker's death or disability; and

12 (2) a certified copy of the court order appointing the executor, administer, or fiduciary.

13 (d) The temporary license shall be valid for one year from issuance.

14

15 *History Note: Authority G.S. 93A-2(c)(4);*

16 *Eff. July 1, 2018.*

1 21 NCAC 58A .1905 is adopted with changes as published in 31:10 NCR 1028 as follows:

2
3 **21 NCAC 58A .1905 WAIVER OF 90-HOUR POSTLICENSING EDUCATION REQUIREMENT**

4 (a) A provisional North Carolina real estate broker may apply for a waiver of one or more of the three 30-hour
5 Postlicensing courses described in Rule A .1902 of this Section. For each course for which waiver is sought, the
6 provisional broker shall submit evidence of one or more of the following:

7 (1) equivalent education obtained in another jurisdiction, which shall include the course(s):

8 (A) jurisdiction of delivery;

9 (B) title;

10 (C) credit hours earned;

11 (D) beginning and end dates; and

12 (E) detailed subject matter description.

13 (2) full-time experience as a licensed broker or salesperson in another state for at least five of the
14 seven years immediately prior to application for waiver, which shall include the applicant's:

15 (A) employer;

16 (B) title at employer;

17 (C) dates of employment;

18 (D) hours per week devoted to brokerage;

19 (E) approximate number of transactions;

20 (F) areas of practice;

21 (G) approximate percentage of time devoted to each area of practice;

22 (H) detailed description of applicant's role and duties;

23 (I) managing broker's name, telephone number, and email address; and

24 (J) official certification of licensure issued within the six months preceding application from
25 a jurisdiction within a state, territory, or possession of the United States or Canada in which the applicant holds a
26 current real estate license that has been active within the three years prior to application.

27 (3) full-time experience as a licensed North Carolina attorney practicing primarily in real estate
28 matters for the two years immediately preceding application, which shall include the applicant's:

29 (A) firm or practice name;

30 (B) law license number;

31 (C) dates of employment;

32 (D) hours per week devoted to real estate law practice;

33 (E) approximate number of closings conducted;

34 (F) detailed description of practice; and

35 (G) manager or supervising attorney's name, telephone number, and email address.

36 (b) The Commission will not consider education or experience obtained in violation of any law or rule as fulfilling
37 the requirements for waiver of the 90-hour postlicensing education requirement.

1

2 History Note: Authority G.S. 93A-4(a1);

3 Eff. July 1, 2017.