

PROPOSED PERMANENT RULEMAKING
WITH AN EFFECTIVE DATE OF JANUARY 1, 2020

In accordance with N.C.G.S. §150B-19.1(c), the Real Estate Commission (“Commission”) hereby gives notice that it has submitted to the Office of Administrative Hearings - Rules Review Commission for publication in the *North Carolina Register* the Notice of Text for the proposed rule amendment and adoption under consideration. No federal certifications or fiscal notes are required for any of these proposed changes.

The Notice of Text includes a summary that cites each rule affected and explains the reason for each proposed change. Changes to the proposed rule text are reflected by underscoring text that will be added and striking through text that will be deleted.

A public hearing on the proposed rule text will be held at the Commission’s office on Wednesday, September 11, 2019, at 9:00 a.m. Members of the public may submit oral or written comments on any proposed rule(s) during the comment period that will be open until October 4, 2019, by contacting the Commission’s Rulemaking Coordinator as follows:

Melissa A. Vuotto
Rulemaking Coordinator
North Carolina Real Estate Commission
P.O. Box 17100
Raleigh, NC 27619
(919) 875-3700 (telephone)
(919) 981-5023 (facsimile)
public.comment@nrec.gov

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission (“RRC”). If the RRC receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the RRC approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The RRC will receive written objections until 5:00 p.m. on the day following the day the RRC approves the rule. The RRC will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the RRC, please call a RRC staff attorney at 919-431-3000.



NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

- Notice with a scheduled hearing
- Notice without a scheduled hearing
- Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency:
2. Link to agency website pursuant to G.S. 150B-19.1(c):
3. Proposed Action -- Check the appropriate box(es) and list <u>rule citation(s)</u> beside proposed action: <input type="checkbox"/> ADOPTION: <input type="checkbox"/> AMENDMENT: <input type="checkbox"/> REPEAL: <input type="checkbox"/> READOPTION <u>with</u> substantive changes: <input type="checkbox"/> READOPTION <u>without</u> substantive changes: <input type="checkbox"/> REPEAL through READOPTION:
4. Proposed effective date:
5. Is a public hearing planned? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes: Public Hearing date: Public Hearing time: Public Hearing location:
6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s):

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name:

Address:

Phone (optional):

Fax (optional):

E-Mail (optional):

10. Comment Period Ends:

11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

12. Rule-making Coordinator:

Phone:

E-Mail:

Additional agency contact, if any:

Phone:

E-mail:

13. The Agency formally proposed the text of this rule(s) on Date:

14. Signature of Agency Head* or Rule-making Coordinator:

Typed Name:

Title:

**If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.*

1 21 NCAC 58A .1705 is proposed for amendment as follows:

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3 **21 NCAC 58A .1705 ATTENDANCE AND PARTICIPATION REQUIREMENTS**

4 (a) In order to receive credit for completing an approved continuing education course, a broker shall:

- 5 (1) attend at least 90 percent of the scheduled instructional hours for the course;
- 6 (2) provide his or her legal name and license number to the course sponsor;
- 7 (3) present his or her pocket card or photo identification card, if necessary; and
- 8 (4) personally perform all work required to complete the course.

9 (b) With the instructor or the sponsor's permission, a 10 percent absence allowance shall be permitted at any time
10 during the course, except that it may not be used to skip the last 10 percent of the course unless the absence is:

- 11 (1) approved by the instructor; and
- 12 (2) for circumstances beyond the broker's control that could not have been reasonably foreseen by the
13 broker, such as:
 - 14 (A) an illness;
 - 15 (B) a family emergency; or
 - 16 (C) acts of God.

17 ~~(c) With regard to the Commission's 12-hour Broker In Charge Course that is taught over two days, a broker shall~~
18 ~~attend at least 90 percent of the scheduled instructional hours on each day of the course and the 10 percent absence~~
19 ~~allowance referred to in Paragraph (b) of this Rule shall apply to each day of the course.~~

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21 *History Note: Authority G.S. 93A-3(c); 93A-4.1;*
22 *Eff. July 1, 1994;*
23 *Amended Eff. July 1, 2017; July 1, 2010;*
24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~*
25 *May 1, 2018;*
26 *Amended Eff. January 1, 2020.*

1 21 NCAC 58A .1712 is proposed for adoption as follows:

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3 **21 NCAC 58A .1712 BROKER-IN-CHARGE COURSE**

4 (a) The Broker-in-Charge Course is a 12-hour educational course that is required for all brokers designating as broker-
5 in-charge under Rule .0110 of this Subchapter. The 12-hour course is divided into an 8-hour module and a 4-hour
6 module. A broker shall complete the 8-hour module before beginning the 4-hour module.

7 (b) In order to receive credit for completing the Broker-in-Charge Course, a broker shall:

8 (1) attend at least 90 percent of the scheduled instructional hours for the course;

9 (2) provide his or her legal name and license number to the course provider;

10 (3) present his or her pocket card or photo identification card, if necessary;

11 (4) personally perform all work required to complete the course; and

12 (5) complete the 12-hour Broker-in Charge Course no later than 120 days after the broker registers for
13 the course.

14 (c) Upon completion of the 12-hour Broker-in-Charge Course, a broker shall receive four credit hours of elective
15 continuing education. The four credit hours will be awarded in the license year in which the broker completes the 12-
16 hour Broker-in-Charge Course.

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18 *History Note: Authority G.S. 93A-3(c); 93A-4.1; 93A-4.2;*

19 *Eff. January 1, 2020.*

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