

Amend Rea 101.01, effective 5-10-07 (Document #8830), as amended on 8-16-17 (Document #12362), by inserting a new paragraph (e), and renumbering the existing paragraphs (e)–(j) as (f)–(k), so that Rea 101.01(e) is cited and read as follows:

Rea 101.01 Terms Used in Rules.

(e) “Complaint” means to allege sufficient facts which, if true, would violate the real estate practice act or code of administrative rules adopted by the board.

Amend Rea 204.06(d), effective 8-16-17 (Document #12362), to read as follows:

(d) A proposed informal disposition of a complaint shall be presented to the commission for its consideration. The proposed settlement agreement shall be in writing, signed at a minimum by the licensee, accredited individual, institution, or organization, or person charged with practicing unlawful brokerage activity, and the commission administrator, and be notarized.

Readopt with amendments Rea 301.01, effective 6-8-17 (Document #12213), 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:

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;

b. 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 for the license applied for.”

c. 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. A signed statement from the employing broker, listing the principal broker’s license number, certifying that the applicant was employed by him or her 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.

(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) If using a trade 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.”

(c) All applicants for licenses under RSA 331-A as salespersons shall complete and submit a “Real Estate Salesperson Application Form” , revised 9/4/2019, 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) 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 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) If the applicant is a non-resident, a signed irrevocable consent and power of attorney statement, as required by RSA 331-A:22, II.

(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) 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;

- (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.
- (e) All applicants for a broker license as a firm branch shall complete and submit a "Firm Branch Application" form, revised 9/2019. 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.
- (f) Principal broker and managing broker applicants shall submit to the commission 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.

Readopt with amendments Rea 301.02, effective 8-1-12 (Document #10147), as amended effective 6-18-17 (Document #12213), to read as follows:

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.
- (b) The applicant for each original salesperson license and renewal thereof shall pay a fee of \$90.
- (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 amendments Rea 301.03, effective 6-18-17 (Document #12213), 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 and the completed pre-licensing course affidavit if applicable, in the office of the commission prior to scheduling a real estate exam.

(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) Contact phone number;
- (3) Social security number;
- (4) Contact email address;
- (5) Date of birth of candidate;
- (6) Gender;
- (7) School code;
- (8) Broker designation;
- (9) Date of previous real estate licensing examination taken in this state, if any;
- (10) The test type being requested, whether salesperson or broker;

(11) The test portion being requested, whether state, national, or both; and

(12) 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, the license number from each state, and a certificate of good standing from the licensing authority of the state in which they are or were licensed along with their 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 shall submit the following in the application for licensure:

(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" is true.

(j) Candidates who seek approval to take the broker examination based on equivalent experience pursuant to RSA 331-A:10, II(c) shall submit and complete an "Equivalent Experience Form to One Year's Service as a Licensed Salesperson", effective June 2017.

(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 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
 - b. Graduate, Realtor Institute (GRI).
- (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;
 - (2) Evidence of successfully completing 40 hours of accredited pre-licensing education may be submitted consisting of the following:
 - a. New Hampshire accredited pre-licensing education with 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 in compliance with the following:
 1. Pre-licensing distance education shall only be allowed for acceptable absences, including:
 - (i.) Family emergencies;
 - (ii.) Illnesses; and
 - (iii.) Other unforeseen circumstances;

2. All distance education shall be provided through audio or visual recordings or correspondence delivery with a final examination consisting of a minimum of 25 questions; and

3. 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 one year 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 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) 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.

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

(o) For purposes of (1)(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) 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) 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 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. Pre-licensing distance education shall only be allowed for acceptable absences, including:

1. Family emergencies;
2. Illnesses; and
3. Other unforeseen circumstances;

b. All distance education shall be provided through audio or visual recordings or correspondence delivery with a final examination consisting of a minimum of 25 questions; and

c. Pre-licensing distance education 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) 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.

(s) Examination candidates shall not send the application for license and license fee to the commission 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.

(t) 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.

Adopt Rea 301.05 to read 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.

Adopt Rea 302.03 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) P & S contracts;

- (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. An internet live-class shall have live video and audio feeds of all participants that will allow real time visualization and communication among all participants; and
 - b. The course instructor shall only issue a completed course affidavit to a live-class attendee who was present by video and audio throughout the course.
- (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 contracts including but not limited to:
 - a. A comprehensive review of a sample of an acceptable purchase and sales agreement;
 - b. Establishing a minimal knowledge and competence in the preparation of a purchase and sales agreement;
 - c. Achieving a basic understanding of the process of filling out a purchase and sales agreement;
 - d. Achieving an understanding of the various paragraphs and clauses of a purchase and sales agreement;
 - e. Achieving an understanding of the roles and relationships of the licensee(s) involved in the preparation of a purchase and sales 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 facilitator in New Hampshire and the limitations that apply; and

(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:
 - i. Similarities between New Hampshire license law and the NAR Code of Ethics;
 - ii. 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
 - iii. 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 305.05 to read as follows:

Rea 305.05 Letter of Good Standing.

- (a) A completed “Letter of Good Standing” form, revised 9/2019, shall be submitted with the appropriate fee to the real estate commission.
- (b) Upon receiving the completed form and the required fee, the commission shall issue an appropriate letter.
- (c) Letters issued shall contain in part or whole the following information regarding the licensee:
 - (1) Name;
 - (2) Home 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.

Readopt with amendments Rea 401.01, effective 6-18-17 (Document #12213), to read as follows:

Rea 401.01 Renewals of License.

(a) Applicants for renewal of a broker’s license shall complete and submit a “Broker Renewal” form, revised 9/2019, if submitting a paper renewal, and an “Online Broker Renewal” form, effective *[insert effective date]*, if submitting an online renewal, and include the following:

- (1) If the applicant answered “yes” to questions 1-5 on the “Broker Renewal” form or the “Online Broker Renewal” form, a sheet of paper attached to the application giving full details and an explanation;

(2) If the applicant is a principal broker, the applicant's signature after the following certification:

“As a principal broker, pursuant to RSA 331-A:13, V, I hereby give permission to the Real Estate Commission to audit the escrow account or accounts. I attest that I have read the forgoing statement and affixed my signature below:”

(3) For all applicants, 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.”

(4) If the applicant is a principal broker or managing broker, a copy of 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.

(b) Applicants seeking renewal as an associate broker under (a) above or as a salesperson under (c) below shall have their principal broker complete and submit the appropriate sections of the relevant form form, which shall include an attestation by the principal broker that the renewal applicant is, to the best of the principal broker's knowledge, of good moral character and is trustworthy, indicated by 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.”

(c) Applicants for renewal of a salesperson's license shall complete and submit a “Real Estate Salesperson Renewal” form, revised 9/2019, if submitting a paper renewal, and an “Online Salesperson Renewal” form, effective *[insert effective date]*, if submitting an online renewal, and include the following:

(1) If the applicant answered “yes” to questions 1-5 on the “Real Estate Salesperson Renewal” form or the “Online Salesperson Renewal” form, a sheet of paper attached to the application giving full details and an explanation; and

(2) 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) The online forms described in (a) and (b) above may be accessed at <http://www.app-support.nh.gov/licensing>.

(e) All broker and salesperson renewal applicants shall complete continuing education requirements pursuant to Rea 403.01.

(f) Each licensee who is applying to have her or his license placed on active status shall submit a continuing education certificate pursuant to RSA 331-A:19, containing the following:

- (1) Name, address, license number, and signature of renewal applicant;
- (2) Name and location of continuing education program;
- (3) Date and number of credit hours obtained; and
- (4) Name of program instructor.

(g) Principal broker and managing broker applicants shall submit to the commission a surety bond in the sum of at least \$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.

(h) All applicants for renewal of a broker license as a firm shall complete and submit a “Real Estate Commission Firm Renewal” form, revised 9/2019 and attach the firm’s certificate of good standing from the secretary of state. If the applicant is a non-resident, the applicant shall include on the application a signed irrevocable consent and power of attorney statement, as required by RSA 331-A:22, II.

(i) All applicants for renewal of a broker license as a firm branch shall complete and submit a “Firm Branch Renewal” form, revised 9/2019 and attach the firm’s certificate of good standing from the secretary of state. If the applicant is a non-resident, the applicant must include on the application a signed irrevocable consent and power of attorney statement, as required by RSA 331-A:22, II.

Adopt Rea 401.02 to read as follows:

Rea 401.02 Renewals of Late or Lapsed License.

- (a) All broker and salesperson renewal applicants who submit a renewal form up to six months after expiration shall be considered late and:
 - (1) Pay the regular renewal fee; and
 - (2) Pay the late fee established in Rea 301.02.
- (b) All broker and salesperson renewal applicants who submit a renewal form after six months from expiration, but before twelve months from expiration, shall be considered lapsed and:
 - (1) Pay the lapsed fee established in Rea 301.02;

- (2) Submit a written document explaining why the applicant believes the period of time for lapse and the good cause meets the requirements of RSA 331-A:18, II. For purposes of this section, good cause shall include serious accident, illness or other circumstances beyond the control of the applicant;
 - (3) The commission or designee shall grant the request to renew a lapsed license if the licensee meets the requirements of RSA 331-A:18, II.
- (c) All broker and salesperson renewal applicants who submit a renewal form twelve months or later from expiration shall be considered an original applicant and are required to complete all education, examination, and application requirements pursuant to Rea 301.01 and Rea 301.03.

Readopt with amendments Rea 403.01, effective 6-18-17 (Document #12213), to read as follows:

Rea 403.01 Continuing Education Requirements.

(a) All active and inactive renewal applicants shall complete a minimum 3- hour continuing education core course that has been accredited by the commission pursuant to Rea 302.01.

(b) All renewal applicants whose licenses are on active status, and inactive licensees who are applying to have their licenses placed on active status, shall complete an additional 12 hours of continuing education elective courses accredited by the commission pursuant to Rea 302.01.

(c) A salesperson renewal applicant as defined in Rea 403.01(b), who is applying for his or her first renewal, shall complete post-licensing continuing education courses as designated by the commission to meet the applicant's 12 hours of continuing education elective courses in addition to the core course.

(d) The 12 hours of post-licensing continuing education in Rea 403.01(b) shall consist of accredited courses from one each of four approved post-licensing course topics, and may include one or more additional accredited courses from approved optional post-licensing course topics.

(e) An additional 3- hour core course may be submitted as elective course hours to fulfill the requirement of (b) above by renewal applicants whose licenses are on active status and not applying for their first renewal, and inactive licensees who are applying to have their licenses placed on active status.

(f) All applicants, when submitting an application for renewal of a broker or salesperson license prior to the expiration date of the license, shall have completed the continuing education required in (a) and (b) above within the current 2 year license period.

(g) All courses submitted to fulfill the requirements of (a)-(e) above shall have different course numbers.

(h) All applicants, when submitting an application for renewal of a broker or salesperson license after the expiration date of the license, shall have completed the continuing education required in (a) and (b) above within the prior 2 year license period, but no later than the late renewal period allowed under RSA 331-A:18.

Readopt with amendments Rea 403.02, effective 6-18-17 (Document #12213), to read as follows:

Rea 403.02 Continuing Education Documentation and Audits.

- (a) All active and inactive renewal applicants shall retain verification records for a period of at least 4 years.
- (b) Continuing education documentation shall be made available to the commission for random audit and verification purposes.
- (c) Documentation shall support continuing education hours claimed.
- (d) Failure to provide documentation for audit verification shall result in disciplinary action pursuant to Rea 200.
- (e) Not less than 10% of the licensees shall be randomly selected each year by the commission for compliance with the continuing education requirements outlined in Rea 403.01 and (a) – (d) above.

Readopt with amendments Rea 404.02, effective 6-18-17 (Document #12213), to read as follows:

Rea 404.02 Amendments.

- (a) Each licensee and firm shall at all times keep the commission informed of the licensee's or firm's current resident address, mailing address, email address, contact phone number(s), work location address, legal name, firm officers or partners, or trade names.
- (b) Any such changes in the information listed in (a) above shall be reported, in writing, to the commission no later than 10 days after the change by completing and submitting one or more of the following Amendment Forms:

- (1) "Change of Address/Phone/E-Mail," revised 9/2019;
- (2) "Activation of an Inactive License," revised 9/2019, which includes an attestation from the licensee's 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;"

(3) “Change of Managing Broker of Firm or Branch Office,” revised 9/2019. Individuals submitting this form shall submit the following with the form:

a. The original firm wall license; and

b. The original wall license and pocket card of both the old and new managing broker. If the wall license or pocket card is not available, the individual shall submit an explanation as to its unavailability;

(4) “Change of Officers/Partners,” revised 9/2019;

(5) “Change of Principal Broker of Firm or Trade Name,” revised 9/2019. Individuals submitting this form shall submit the following with the form:

a. The original firm wall license; and

b. The original wall license and pocket card of both the old and new managing broker. If the wall license or pocket card is not available, the individual shall submit an explanation as to its unavailability;

(6) “Deactivation of an Active License,” revised 9/2019. Individuals submitting this form shall also submit the individual’s original wall license and pocket card. If the wall license or pocket card is not available, the individual shall submit an explanation as to its unavailability;

(7) “Change of Broker Status,” revised 9/2019. Individuals submitting this form shall submit the following along with the form:

(a) If there is a change from a broker license type to another, the individual’s wall license and pocket card; and

(b) For principal and managing brokers, proof of a surety bond in the sum of \$25,000 to run concurrently with the dates of licensure, executed by the individual and by a surety company authorized to do business in the state of New Hampshire;

(8) “Name Change,” revised 9/2019.. Individuals submitting this form shall include legal proof of their name change.

(c) Whenever a licensee changes his or her affiliation from one principal broker to another, or ceases to represent a principal broker, the principal broker shall notify the commission, in writing, no later than 5 days after the change along with the appropriate form described in (b) above.

(d) In addition to completing the appropriate form described in (b) above, the new principal broker shall attest that the applicant is of good moral character and is trustworthy.

(e) An amendment fee shall be submitted for any changes listed in (a) through (c) above that require the salesperson, broker, firm, or firm branch license to be amended.

(f) Should a broker or salesperson change her or his status to nonresident broker or salesperson, she or he shall file an irrevocable consent and power authorizing the commission to act as specified in RSA 331-A:22.

Appendix

Rule	Statute
Rea 101.01(k)	RSA 331-A:2; RSA 541-A:16, I(a)
Rea 204.06(d)	RSA 331-A:25, X; RSA 331-A:29, I; RSA 541-A:31, V
Rea 301.01	RSA 331-A:10; 10-a; 12; 14; 16, I; 25, V
Rea 301.02	RSA 331-A:7, II, IV; 11; 15, I; 17, II; 18, I, II; 19, II; 20, IV; 24; 25, IV
Rea 301.03	RSA 331-A:10; 25, II, III, IV, XIV
Rea 301.05	RSA 91-A:4
Rea 302.03	RSA 331-A:20; RSA 331-A:25, IX
Rea 305.05	RSA 331-A:11-a, RSA 331-A:25, XIV
Rea 401.01	RSA 331-A:12-a; 14; 19; 22; 25, XIII
Rea 401.02	RSA 331-A:19; 25, XIII
Rea 403.01	RSA 331-A:12-a; 19; 20; 25, IX
Rea 403.02	RSA 331-A:25, V, IX; RSA 541-A:16, I
Rea 404.02	RSA 331-A:17; 25, I