

Readopt with amendment Rea 301.01, effective 1/23/2020 (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 **Commission** Broker Application Form”, revised [9/4/2019] **5/2022**, 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]~~ **criminal history report**, as required by RSA 331-A:10-a, **issued by the department of safety, division of state police, and dated no more than 6 months from the commissions receipt of the license application. This requirement includes the applicant’s duty to report any criminal conviction issued after the date of submission of the application through the date the license is issued;**

b. A criminal history report, as required by RSA 331-A:10-a, from any other jurisdiction in which the applicant has been convicted of a misdemeanor or felony offense that has not been annulled by a court;

~~[b.]~~**c.** Signed ~~[affidavits]~~ **attestation** 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.”

~~[e.]~~**d.** The applicant’s ~~[signature after the following certification]~~ **attestation after the following statement:**

“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.]~~**e.** If the applicant is a non-resident, a signed [i] **“Real Estate Commission Irrevocable Uniform [e]Consent to Service of Process” revised 5/2022** ~~[and power of attorney statement]~~, as required by RSA 331-A:22, II,

~~[e.]~~**f.** 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.

g. A “Real Estate Commission Transaction/Activation Form” revised 5/2022 containing at least 6 real estate transactions and accompanying MLS sheets, or similar documents, that show the applicant’s name as either the listing or buyer agent for each transaction.

(2) If the applicant answered “yes” to questions 1-~~6 and 9~~**3** on the “Real Estate **Commission** Broker Application Form” **revised 5/2022**, a ~~[sheet of paper attached to]~~ **separate document shall be submitted with** the application giving full details and an explanation **of each “yes” answer**;

~~[(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 principal 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 **Commission** Salesperson Application Form”, revised ~~[9/4/2019]~~ **5/2022**, 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]~~ **criminal history record report**, as required by RSA 331-A:10-a, **issued by the department of safety, division of state police, and dated no more than 6 months from the commissions receipt of the license application. This requirement includes the applicant’s duty to report any criminal conviction issued after the date of submission of the application through the date the license is issued;**

(2) A criminal history record report, as required by RSA 331-A:10-a, from any other jurisdiction in which the applicant has been convicted of a misdemeanor or felony offense that has not been annulled by a court;

~~[(2)]~~**(3)** Signed ~~[affidavits]~~ **attestation** 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)]~~**(4)** The applicant’s signature after the following certification:

“I have read and understand the ~~[state-statutes]~~ **provisions of the New Hampshire revised statutes, 331-A and the N.H. Real Estate administrative rules, Rea 100 through 700.** 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)]~~**(5)** If the applicant is a non-resident, a signed ~~[i]~~ **“Real Estate Commission Irrevocable Uniform [e]Consent to Service of Process” dated 5/2022** ~~[and power of attorney statement]~~, as required by RSA 331-A:22, II.

~~[(5)]~~**(6)** If the applicant answered “yes” to question 1 through ~~[6]~~ **3** on the “Real Estate **Commission** Salesperson Application Form” **Revised 5/2022**, a ~~[sheet of paper attached to]~~ **separate document shall be submitted** with the application giving full details and an explanation **of each “yes” answer;**

(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]~~ **5/2022;**

(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 ~~[i]~~ **“Real Estate Commission Irrevocable Uniform [e]Consent to Service of Process” dated 5/2022** ~~[and power of attorney statement]~~, as required by RSA 331-A:22, II~~[-]~~; **and**

(4) A completed “Real Estate Commission Tradename Application” revised 5/2022.

(e) All applicants for a broker license as a firm branch shall complete and submit a **“Real Estate Commission Firm Branch Application Form”**, revised ~~[9/2019-]~~ **5/2022; and**

(1) If the applicant is a non-resident, the applicant must **submit a** sign ~~[an-i]~~ **“Real Estate Commission Irrevocable Uniform [e]Consent to Service of Process” dated 5/2022** ~~[and power of attorney statement]~~, as required by RSA 331-A:22, II~~[-]~~; **and**

(2) A completed “Real Estate Commission Tradename Application” revised 5/2022.

(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.

(g) The commission shall issue only one of the following to any licensee at any one time:

- (1) A salesperson license;**
- (2) An associate broker license;**
- (3) A managing broker license; or**
- (4) A principal broker license.**

(h) A salesperson associate broker or managing broker shall be affiliated with only one principal broker at any one time.

(i) Upon commission approval an application to change a license as listed in (1) through (3) below, the previous license shall immediately be deemed void and the licensee's principal broker shall return the voided license to the commission within 5 business days:

- (1) Salesperson to a broker designation;**
- (2) One broker designation to another broker designation; or**
- (3) Broker designation to a salesperson.**

Readopt with amendment Rea 301.02, effective 1/23/2020 (Document #12977-B), 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~~] **\$155.00.**

(b) The applicant for each original salesperson license and renewal thereof shall pay a fee of [~~\$90~~] **\$155.00.**

~~[(e) The broker, salesperson, firm, or firm branch shall pay a fee of \$5 for each duplicate license.]~~

~~[(d)]~~**(c)** The broker, salesperson, firm, or firm branch shall pay a fee of \$20 for **each of the following:**

- (1) [~~license amendment form for~~] Change of Managing Broker of Firm or Branch Office;**
- (2) [~~]~~]Change of Principal Broker of Firm or Trade Name[~~;~~];**
- (3) Transfer[~~f~~] or Activation [~~Form,~~] of license; or**
- (4) Broker Status Change[~~,~~ 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.]~~

~~[(d)]~~**(d)** The applicant for each qualifying examination shall pay **directly to [a] the real estate examination company contracted through the RFP process with the real estate commission the** fee

~~[of \$155 for a salesperson examination and \$170 for a broker examination]~~ **required to take the 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)]~~**(e)** 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]~~ **4** 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.]~~

(f) All fees shall be non-transferable and non-refundable.

Readopt with amendment Rea 301.03, effective 1/23/2020 (Document #12977-B), to read as follows:

Rea 301.03 **Examination Filing Requirements.**

(a) All **salesperson examination** candidates **who completed the pre-licensing requirements of Rea 302.04(g) shall register and pay for the salesperson examination directly to the real estate examination company contracted through the State of New Hampshire RFP process with the real estate commission.**~~[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 **salesperson examination** candidate shall register ~~[with PSI to take the state and national examination supply on such]~~ **with the real estate examination company contracted through the State of New Hampshire RFP process with the real estate commission.** ~~[registration form the following information:]~~

- ~~(1) Legal name and address of candidate registering to take the real estate licensing examination;~~
- ~~(2) Phone number;~~
- ~~(3) Social security number, as required by RSA 161-B:11, VI a;~~
- ~~(4) Email address;~~
- ~~(5) Date of birth;~~
- ~~(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) Any salesperson examination candidate who is requesting based on being licensed in another state, shall file a completed “New Hampshire Real Estate Examination Registration Form” provided by the real estate examination company contracted through the State of New Hampshire RFP process with the office of the commission’s office prior to paying and scheduling to take the real estate salesperson examination.

(d) 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) Contact email address;**
- (4) Date of birth of candidate;**
- (5) Date of previous real estate salesperson licensing examination taken in this state, if any;**
- (6) The test type being requested, whether salesperson or broker;**
- (7) The test portion being requested whether state, national, or both; and**

(8) Completed Registration submission date.

(e) All broker examination candidates who completed the licensing requirements of Real 302.04(a) or (b), or based on being licensed in another state, shall file a completed “New Hampshire Real Estate Examination Registration Form”, provided by the real estate examination company contracted through the State of New Hampshire RFP process with the real estate commission’s office, a completed course affidavit(s), and other required education documents as applicable, with the office of the commission prior to paying and scheduling for a real estate broker exam.

(f) 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) Salesperson license number issued by the commission;

(4) Contact email address;

(5) Date of birth of candidate;

(6) Broker designation;

(7) Date of previous real estate broker licensing examination taken in this state, if any;

(8) The test type being requested, whether salesperson or broker;

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

(10) Completed Registration submission date.

~~(e)~~(g) Candidates who apply for the salesperson examination based on being licensed in another state, or a 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, dated within 6 months from the date of the examination registration submission, in which the person was licensed along with the examination registration.

~~(d)~~(h) No notice to schedule an examination shall be [~~mailed~~] sent to any salesperson candidate, or any broker candidate [~~unless and~~] until a completed [~~registration form~~] “New Hampshire Real Estate Examination Registration Form”, provided by the real estate examination company contracted through the State of New Hampshire RFP process, completed [~~pre-licensing~~] course affidavit(s) or other educational documents as [~~if~~] applicable, and 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)](i) Candidates for the broker or salesperson exam shall~~~~[-attain a minimum score of 70-]~~
meet the following applicable requirements:

(1) Salesperson candidates who are required to first complete a pre-licensing course shall:

a. Obtain a minimum passing grade of 70 on both the uniform and state portions of the examination;

b. Obtained the passing score of 70 on both the uniform and state portions of the examination within a 12-month period from the start date of the pre-licensing course in order to qualify for licensing as a real estate salesperson.

(2) Salesperson candidates who fail to attain a passing grade on both portions of the examination within a 12-month period from the start date of the pre-licensing course, or after 8 failed examinations within that time period, shall:

a. Complete an accredited pre-licensing course in addition to the one previously submitted;

b. Re-take both the uniform and state portions of the examination.

(3) To qualify for licensing as a real estate broker by equivalency the applicant shall obtain a minimum passing grade of 70:

a. On the state portion of the examination; and

b. On the national portion of the examination.

(4) Broker candidates applying for licensure by meeting the broker education licensing requirements or by broker equivalency shall:

a. Obtain within a 6 month period from the date of the original examination a passing grade of 70 for both the uniform and state portions of the examination;

b. Be required to re-take both the uniform and state portions of the examination if the candidate fails 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 failed examinations with that time period; and

c. Be required to re-take both the uniform and state portions of the examination if the candidate fails 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 failed examinations with that time period,

(5) Broker and salesperson candidates who took the examination and are notified by the exam company that they received a passing grade for only one portion of the examination, shall:

a. Not be required to re-take the portion of the examination which they passed within the time period pursuant to Rea 301.03(i)(1) for salesperson, or Rea 301.03(i)(3) for broker; and

b. Register with the exam company follow the protocols set forth by the examination company if they wish to be rescheduled.

(j) Candidates who fail to satisfy the education requirement pursuant to RSA 331-A:10 prior to the date of the examination, shall be required to re-take the exam in its entirety even if the candidate has passed one or both sections of the examination.

~~[(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” referenced in Rea 301.01(a)(1) is true.]~~

~~[(j)](k) Candidates who seek approval to take the broker examination based on equivalent experience pursuant to RSA 331-A:10, II(c) shall complete and submit an [“Equivalent Experience Form to One Year’s Service as a Licensed Salesperson”] **“Real Estate Commission Equivalency Application Form”**, revised [June 2021] **5/2022**.~~

~~[(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~~

~~b. Graduate, Realtor Institute (GRI).~~

~~— (1) 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 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 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;~~

~~(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 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 (l)(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 (l)(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 (l)(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 commission.~~

~~— (o) 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) 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 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;~~

~~e. 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) 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)](l) Examination [candidates] **applicants** shall not [send] **submit** 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)](m) 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.~~

Repeal Rea 301.04, effective 6/18/2017 (Document #12213), 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 registered if the commission 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 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 with a check, draft or money order that has subsequently been dishonored, shall 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.]~~

Readopt with amendment Rea 301.05, effective 6/18/2017 (Document #122134), 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.~~]

Readopt with amendment Rea 302.01, effective 6/18/2017 (Document #12213), to read as follows:

PART Rea 302 **EDUCATION ACCREDITATION QUALIFICATIONS AND REQUIREMENTS**

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 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.

(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 years of on-going experience in real estate brokerage in New Hampshire~~] Have an active broker license that has been continuously active for at least 3 years prior to date of application to be an instructor, ; and

(2) **Have** [~~F~~]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 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) Any individual applying for accreditation or any firm applying for accreditation to instruct a real estate pre-licensing course shall, at the completion of a pre-licensing course and within 2 business days thereafter, submit the following information in the format required to the real estate examination company contracted through an RFP process with the real estate commission:

(1) Exam candidate's legal name;

(2) Exam candidate's email address;

(3) A unique candidate number issued by the provider in accordance with the exam company's requirements;

(4) The beginning and ending dates of the course;

(5) The course number; and

(6) Education providers name.

~~(d)~~**(d)** 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 years of on going experience in real estate brokerage in New Hampshire within 3 years of the date of application]~~ **Have an active broker license that has been continuously active for at least 3 years prior to the date of application to become an instructor;** and

(2) **Have** ~~[F]~~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).]~~ **If the board, after receiving and reviewing a completed application and supporting documents, requires additional information or documents to determine the applicant's qualifications for licensure, the board shall:**

a. So notify the applicant within 60 days; and

b. Specify the information or documents it requires.

~~(d)~~**(e)** 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. 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.

~~[(e)]~~**(f)** 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)]~~**(g)** All ~~[accredited individuals]~~ **education providers**, institutions or organizations shall submit notice of any substantive changes to accredited courses to the commission during the 2-year accreditation or reaccreditation period.

(h) All education providers shall maintain an active broker license while instructing the course.

Adopt Rea 302.04, to read as follows:

Rea 302.04 Education Requirements for Licensure.

(a) 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; or

(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).

(b) 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 or real-time internet live-class distance education pursuant to Rea 302.04(b)(2), a., 2. or a combination thereof, and no more than 8 hours of distance education which began within 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;
- (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 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 that is not real-time internet live-class 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 12 months prior to the date of examination consisting of 34 hours of accredited national material completed in 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.

(c) Each hour of the courses outlined in (b)(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 (b)(3) as real estate related education shall receive 12 credit hours.

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

(e) For purposes of (b)(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.

(f) 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.

(g) 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 Rea 302.04(g)(1) or a combination thereof, and no more than 8 hours of distance education which began within 12 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 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 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 12 months prior to the date of examination consisting of 34 hours of accredited national material comp minimum of 6 hours of New Hampshire accredited state material.

Repeal Rea 303.01, effective 8/1/2012 (Document #10147), 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.]~~

Repeal Rea 303.02, effective 6/18/2017 (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 and shall be maintained for at least one year from the date of examination.]~~

Readopt with amendment Rea 303.03, effective 6/18/2017 (Document #12213) and renumbered as Rea 303.01, to read as follows:

Rea 303.0[3]**1** 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]~~ **follow all protocols set for the by the examination provider if they wish to be rescheduled.**

Readopt with amendment Rea 303.04, effective 6/18/2017 (Document #12213) and renumbered as Rea 303.02, to read as follows:

Rea 303.0[4]2 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]~~ **following applicable protocols set forth by the provider if they wish to be rescheduled.**

Repeal Rea 303.05, effective 6/18/2017 (Document #12213), as follows:

~~[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 305.01, effective 6/18/2017 (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 “**Real Estate Commission Firm Application Form**” [form], ~~[effective June 2017]~~ **revised 5/2022**, shall be filed with the commission by the principal broker ~~[in order]~~ to have its New Hampshire real estate license issued in its corporate name.

(c) “**Real Estate Commission Firm Application Form**” [forms] **revised 5/2022** shall contain the ~~[notarized]~~ signature of the principal broker ~~[and power of attorney]~~, and “**Real Estate Commission Irrevocable Uniform Consent to Service of Process**”, dated **5/2022**.

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

Readopt with amendment Rea 305.03, effective 6/18/2017 (Document #12213), to read as follows:

Rea 305.03 ~~Form~~ **Types 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) ~~[-]~~ **Wall** licenses and **pocket** cards issued **by OPLC** shall contain in part or **in** 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.

(c) The commission shall send the license and card to the licensee’s e-mail address on file.

(d) The licensee shall send the license to the principal broker within 3 business days from receipt.

(e) The principal broker shall immediately sign and date the license upon receipt.

(f) Only a license signed, dated and maintained by the principal broker shall be considered a valid license.

(g) The principal broker shall maintain custody of all licenses affiliated with him or her and return a license to the commission within the timeframe of Rea 404.02(c) when the licensee is no longer affiliated with the principal broker.

Readopt with amendment Rea 305.05, effective 1/23/2020 (Document #12977-B), to read as follows:

Rea 305.05 Letter of Good Standing.

(a) **To obtain a letter of good standing** ~~[A completed “Letter of Good Standing” form, revised 9/2019, shall be submitted with the appropriate fee to the real estate commission]~~ **submit a request through the process promulgated by the office of professional licensure and certification.**

~~[(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.]~~

APPENDIX

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	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 301.03 (a)-(f), (h), (i), (l), (n), (q), (r)	RSA 331-A:10; 25, II, III, IV
Rea 301.03 (j), (m)	RSA 331-A:10, II(b); 25, XIV
Rea 301.03 (g), (k), (o), (p), and (s)	RSA 331-A:10; 11-a; 25, II, III
Rea 301.04 (Repealed)	RSA 331-A:11; 19, II; 24; 25, IV
Rea 301.04 (a) (Repealed)	RSA 331-A:11; 19, II; 24; 25, IV
Rea 301.04(b) (Repealed)	RSA 331-A:7, II, IV; 11-a; 15, I; 17, II; 18, I; 19, II; 20, IV; 21; 24; 25, IV; 28, I (b)
Rea 301.05	RSA 91-A:4
Rea 302.01	RSA 331-A:20; 25, VIII
Rea 302.04	RSA 331-A:25, VIII
Rea 303.01 (Repealed)	RSA 331-A:25, II
Rea 303.02 (Repealed)	RSA 331-A:11; 25, II
Rea 303.01 formerly Rea 303.03	RSA 331-A:11; 25, II, III
Rea 303.02 formerly Rea 303.04	RSA 331-A:11, 25, II
Rea 303.05 (Repealed)	RSA 331-A:11; 25, II, III
Rea 305.01	RSA 331-A:12, IV; 15, II; 17, II; 22; 25, XIII
Rea 305.03	RSA 331-A:15; 17, IV, V; 25, VII
Rea 305.05	RSA 331-A:11-a, RSA 331-A:25, XIV