

RULEMAKING NOTICE FORM

Notice Number _____	Rule Number _____	Rea 300 various
1. Agency Name & Address: NH Real Estate Commission c/o Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301	2. RSA Authority: RSA 331-A:25, II, III, IV, V, VII, and VIII and RSA 541- A:16, I(b) 3. Federal Authority: n/a 4. Type of Action: Adoption <u> X </u> Repeal <u> X </u> Readoption _____ Readoption w/amendment <u> X </u>	
5. Short Title: Licensing Requirements		

6. (a) Summary of what the rule says and of any proposed amendments:

Rea 301.01 describes the application for licensure form for all applicants and is being readopted with amendment as follows:

- **Make various editorial changes;**
- **Correct the names of the forms and revising existing forms;**
- **Change the wording of the requirement to obtain a criminal history record report;**
- **Add the provision that the commission will issue one license type per person as either a salesperson, associate broker, managing broker, or principal broker at any one time;**
- **State that a salesperson, associate broker or managing broker will be affiliated with only one principal broker at a time; and**
- **When a licensee changes a license for a salesperson to a broker, one broker designation to another, or broker to a salesperson the previous license is voided and must be returned to the commission within 5 business days.**

Rea 301.02 describes fees and is being readopted with amendment to change the \$110 application fee to \$155, remove the fees for a duplicate license, letter of good standing, bank fees, late fee, course accreditation or reaccreditation fee, copying fee, fee for audio files or rosters, remove the exam fee requiring it be paid directly to the exam company, make all fees non-refundable, and various editorial changes.

Rea 301.03 describes the examination filing requirements and is being readopted with amendment to:

- **Change the requirement for an applicant who wishes to take the examination by requiring that applicant to apply directly to the exam company contracted through a State of NH RFP process and pay the examination fee by the exam company directly to the exam company;**
- **Add a description of the content of the exam registration form to be used by the exam company;**
- **Candidates who are licensed in another state who wish to take the exam;**
- **Exam applicants' education requirements before applying to the exam company to take the exam;**

- Procedure to retake an exam after having failed the exam;
- Correct the names of forms and revising existing forms; and
- Remove the breakdown of the education programs

Repeal Rea 301.04 that describes dishonored checks, drafts or money orders.

Rea 301.05 describes computerized lists for distribution and is being readopted with amendment to remove the fee required to obtain the list.

PART Rea 302.02 is being readopted with amendment to change the part name from “Qualifications” to “Education Accreditation Qualifications and Requirements”

Rea 302.01 describes programs of study and accreditation and re-accreditation of instruction in real estate pre-licensing and continuing education courses and is being readopted with amendment to:

- Require that accredited individual providing the pre-licensing course submit a prescribed list of information to the real estate exam company within 2 business days;
- That an instructor applicant has held a license continuously for the immediately preceding 3 years;
- Describe the notification that the Board sends to the applicant describing any additional documents needed and mandate that the notification will be sent to the applicant within 60 days of the receipt of the application; and
- Require that the continuing education providers maintain an active license while instructing the course.

Adopt Rea 302.04 to describe the education requirements for all license types.

Repeal Rea 303.01 which describes the examination schedule.

Repeal Rea 303.02 which describes examination response records.

Rea 303.03 describes candidates for broker or salesperson examination who took and failed the examination and is being readopted with amendment renumbering as Rea 303.01 to require that the applicant follow protocols set forth by the exam provider if they wish to retake the examination.

Rea 303.03 describes candidates for broker or salesperson examination who failed to take the exam and is being readopted with amendment and renumbered as Rea 303.02 to require that the applicant follow protocols set forth by the exam provider if they wish to reschedule.

Repeal Rea 303.05 that describes a passing only one portion of the examination.

Rea 305.01 describes corporation organized under the laws of another state and is being readopted with amendment to update form names and require use of revised forms.

Rea 305.02 describes the types of license certificates and cards to be issued to licensees and is being readopted with amendment to clearly state how the license and card will be issued, requirements for providing the license to the principal broker, when the license must be signed and dated by the principal broker, and require the principal broker to maintain custody of all licenses affiliated with him or her.

Rea 305.05 describes a letter of good standing and is being readopted with amendment to require the licensee requesting the letter of good standing go through the process promulgated by OPLC.

6. (b) Brief description of the groups affected:

The groups affected by the rules changes are:

- **Applicants for licensure as a principal broker, associate broker, managing broker, salesperson license, firm, or firm branch;**
- **Candidates who wish to sit for the licensing exam for brokers or salespersons; and**
- **Individual or firms seeking accreditation to instruct a real seated pre-licensing or continuing education course.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

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

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Tina Kelley**

Title: **Program Specialist IV**

Address: **Office of Professional
Licensure and Certification
7 Eagle Square
Concord, NH 03301**

Phone #: **(603) 271-5247**

Fax#: **None**

E-mail: **OPLC-Rules@oplcnh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Tuesday, April 19, 2022 at the conclusion of the public hearing.**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, April 19, 2022 at 9:00 a.m.**

Office of Professional Licensure and Certification

Place: **7 Eagle Square**

Concord NH 03301

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 22:026, dated 3/3/2022

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules will increase State revenues and increase costs to certain State citizens and employers including independently owned businesses.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

The proposed rules include the following changes:

- The cost of a broker's license is increased from \$110 per an application or renewal fee to \$155, an increase of \$45 per fee. Based 4,658 broker's licenses. This change would increase State revenue by \$209,610.
- The fee for the salesperson license and renewal is increased from \$90 to \$155 a \$65 increase. Based on 8,755 salesperson licenses. The changes would increase State revenue by \$569,075.
- Fees are removed for duplicate licenses, letters of good standing, bank fees, late fees, course accreditation or reaccreditation fees, copying fees and the fees for audio files or rosters. There is no reduction to State revenue from the removal of these fees as the Office of Professional Licensure and Certification (OPLC) has already stopped charging those fees and is aligning the Board's rules with the rules adopted by OPLC in Plc 1000.
- Lastly, the proposed rule makes the examination fee payable to the examination company and not directly to OPLC. This has no impact as currently the OPLC receives the examination fee and transfers the funds to the examination company.

A. To State general or State special funds:

There will be no direct impact on the State general fund, however after paying all costs and salaries associated with the Office, any remaining balance in the fund lapses to the general fund at the close of each biennium. There will be additional revenue to the office of professional licensure and certification fund from the proposed application and renewal fees.

B. To State citizens and political subdivisions:

There would be an increase in costs to State citizens to the extent they are subject to a broker's license fee or salespersons license fee. There is no impact to political subdivisions.

C. To independently owned businesses:

There would be a cost to independently owned businesses who pay for their employee's broker's license fee or salespersons license fee.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not violate Part I, Article 28-a of the New Hampshire Constitution. These rules do not mandate or assign this program to any political subdivision in any way.