

**Readopt with amendments Rea 301.03, effective 1/23/20 (Document #12977-B), 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).

(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 Rea 301.03(1)(2)a.1., 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; [~~and~~]

**(iii.) Technical issues during real-time internet live-class; and**

[~~(iii.)~~]**(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 bideo 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.**

[2-]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

[3-]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 [~~one year~~] **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 New Hampshire 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 Rea 301.03(q)(1)a.i., 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.**

**[a.]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; [~~and~~]

**3. Technical issues during real-time internet live-class; and**

~~[3-]~~**4.** Other unforeseen circumstances;

~~[b-]~~**c.** 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

~~[e-]~~**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) 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.

**Readopt with amendment Rea 302.03, effective 1/23/20 (Document #12977-B), 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.]~~

**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.**

(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.]1. Similarities between New Hampshire license law and the NAR Code of Ethics;

[ii.]2. 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.]3. 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.

**APPENDIX**

<b>Rule</b>	<b>Specific State Statute the Rule Implements</b>
Rea 301.03 (a)-(f), (h), (i), (l), (n), (q), (r)	RSA 331-A:10; RSA 331-A:25, II, III, IV
Rea 301.03 (j), (m)	RSA 331-A:10, II(b); RSA 331-A:25, XIV
Rea 301.03 (g), (k), (o), (p), (s), and (t)	RSA 331-A:10; RSA 331-A:11-a; RSA 331-A:25, II, III
Rea 302.03	RSA 331-A:25