

APA-1
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TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 790 Department or Agency Alabama Real Estate Commission

Alabama Rule No. 790-X-1-.10

Rule Title: Application, Fees And Renewal Requirements For Instructors, Courses, And Schools

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 

Date 6 18 13

DATE FILED
(STAMP)

ALABAMA REAL ESTATE COMMISSION

NOTICE OF INTENDED ACTION

Agency Name: Alabama Real Estate Commission

Rule No: Rule 790-X-1-.10

Rule Title: Application, Fees And Renewal Requirements For
Instructors, Courses, And Schools.


Intended Action: Amend Rule

Substance of Proposed Action: The proposed amendment changes terminology in rule to comply with the terminology in 34-27-6 by changing "school administrator" to "administrator".

Date, Time, Place, Manner of Presenting Views: Comments can be presented at the public hearing scheduled at 9:00 a.m. on July 19, 2013 at the Alabama Real Estate Commission located at 1201 Carmichael Way, Montgomery, Alabama. Additionally, written comments may be addressed to D. Philip Lasater, Executive Director, Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama 36106. Written comments must be received in the Commission office no later than 4:30 p.m. on August 2, 2013.

Final Date For Comment and Completion of Notice: August 2, 2013

Contact Person at Agency: Chris Booth, Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama 36106. (334) 242-5544.



D. Philip Lasater
Executive Director

790-X-1-.10. Application, Fees and Renewal Requirements for Instructors, Courses, Administrators, and Schools.

- (1) License and approval periods begin on October 1 of each odd numbered year and conclude on September 30 of the second year of the period.
- (2) Instructor approval: Instructors shall submit application for approval as required by the Commission. The initial fee for instructor approval shall be \$50 per year or any portion thereof except that instructors who teach only elective continuing education shall pay an initial fee of \$25 per year or any portion thereof.
- (3) Course approval: Instructors shall submit application for course approval as required by the Commission. Applications shall include an outline, learning objectives and learning strategies. The initial course review fee shall be \$100. An initial course constitutes either one being submitted for the first time or an existing course which incurs substantial changes as determined by the Commission. With the exception of distance education courses, all courses for which the Commission supplies a course outline do not require the \$100 initial course review fee for approval.
- (4) School licensure: Proprietary schools that offer prelicense and post license courses shall submit application for licensure as required by the Commission and the initial license fee shall be \$250 per year or any portion thereof.
 - (a) Application for school licensure shall include appropriate license fee and verification of surety bond.
 - (b) Any proprietary school offering prelicense and/or post license courses in more than one location shall have a licensed branch school for each location using the same application procedure as the principal school.
 - (c) Any change of the name or address of a licensed school requires a written notice to be sent to the Commission within ten (10) days of making the change in order for a new license to be issued.
- (5) School approval: Schools that offer only continuing education courses and accredited colleges and universities shall submit application for approval as required by the Commission. There is no fee for school approvals.
- (6) ~~School~~ Administrator approval: All schools shall name an individual associated with the school to serve as the ~~school~~ administrator. The ~~school~~ administrator shall be the person responsible for all course offerings and activities related to real estate education that are offered at the school and all acts governed by applicable rules which govern the operation of the school. ~~School~~ Administrators shall submit application as required by the Commission.
- (7) Renewal reminders for instructors, courses, schools and administrators shall be sent by August 1 of the second year of the approval period.
- (8) Instructor renewal: Instructors shall renew their instructor approval no later than September 30 of the second year of each approval period. Failure to meet this deadline shall result in the instructor being placed on inactive status until the instructor meets all renewal requirements. If placed on inactive status, the instructor shall not teach any classes until the approval is renewed. If renewal requirements

are not met by December 31 of the first year of the next approval period, the approval shall not be renewed and the instructor shall apply as an original applicant and meet all requirements applicable to new instructors. The fee for instructor renewal shall be \$100 for the two year approval period. For those who teach only elective continuing education the fee shall be \$50 for the two year approval period.

(a) Prelicense and post license instructors shall complete 12 hours of instructor training courses approved by the Commission no later than September 30 of the second year of each approval period in order to renew on active status. Instructors holding an inactive instructor approval shall complete 12 hours of instructor training prior to activation of the approval for the first time. Once the approval is activated, an additional 12 hours of instructor training must be taken for the next renewal of instructor approval. These instructor training courses shall be taken in addition to the continuing education courses required for renewal of a salesperson or broker license. Instructor training courses may not be used to satisfy requirements for renewal of a real estate license nor may courses taken for real estate license renewal be used to satisfy requirements for instructor renewal.

(b) Instructor applicants approved in the second year of the approval period, instructors who teach only continuing education courses or full time college instructors shall not be required to complete 12 hours of instructor training courses for renewal of instructor approval.

(9) Course Renewal: In order to retain approval for each course, the instructor shall submit the renewal fee and an updated outline, learning objectives and learning strategies. Instructors shall renew courses no later than September 30 of the second year of each approval period. Failure by instructors to meet the September 30 deadline for course renewal shall result in course approval being placed on inactive status until the instructor meets all renewal requirements. If course renewal requirements are not met by December 31 of the first year of the next approval period, the course may not be renewed and the instructor shall submit a new course application and meet all requirements applicable to new courses. Renewed courses may be placed on inactive status when the instructor is on inactive status. The instructor shall not schedule a course or enter course credit if the course is on inactive status. Renewed courses will be accessible again after the instructor activates approval. The fee for course renewal shall be \$50 per course for the two year approval period. All courses for which the Commission supplies a course outline do not require the \$50 renewal fee.

(10) ~~School Administrator~~ renewal: ~~School Administrator~~s shall renew their approval no later than September 30 of the second year of each approval period. Failure to meet this deadline shall result in both the ~~school~~ administrator approval and school licensure or approval being placed on inactive status until all renewal requirements are met. If renewal requirements are not met by December 31 of the first year of the next approval period, the approval may not be renewed and the ~~school~~ administrator shall apply as an original applicant and meet all requirements applicable to new administrators.

(11) School renewal: ~~School Administrator~~s shall renew the school licensure or approval online as required by the Commission no later than September 30 of the second year of each license or approval period. Failure to meet this deadline shall result in the school being placed on inactive status. If placed on inactive status, the school shall not offer any more classes until the licensure or approval is renewed. If renewal requirements are not met by December 31 of the first year of the next approval period, the licensure or approval may not be renewed and the school shall apply as an original applicant and meet all requirements applicable to new schools. The license renewal fee for proprietary schools which offer prelicense and post license courses shall be \$250 for the two year license period.

(12) Instructors who teach only college credit courses shall not be required to pay either the initial instructor or course application fee or the instructor or course renewal fee and shall not be subject to instructor renewal requirements.

(13) All instructors shall attend training programs as directed by the Commission in order to retain approval.

Author:

Alabama Real Estate Commission

Statutory Authority:

Code of Ala. 1975, §§ 34-27-6; 34-27-8.

History:

New Rule: Filed August 29, 2000; effective October 3, 2000. **Amended:** Filed November 8, 2000; effective December 13, 2000. **Amended:** Filed September 18, 2001; effective October 23, 2001. **Amended:** Filed May 1, 2003; effective June 5, 2003. **Amended:** Filed November 25, 2003; effective December 30, 2003. **Amended:** Filed August 31, 2004; effective October 5, 2004. **Amended:** Filed August 30, 2005; effective October 4, 2005. **Amended:** Filed August 25, 2006; effective September 28, 2006. **Amended:** Filed June 21, 2007; effective July 26, 2007. **Amended:** Filed July 11, 2008; effective August 15, 2008. **Amended:** Filed August 27, 2009; effective October 1, 2009.