

# ARKANSAS REGISTER

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## Transmittal Sheet

W.J. "BILL" McCUEN  
SECRETARY OF STATE  
LITTLE ROCK, ARKANSAS

BY \_\_\_\_\_



W.J. "Bill" McCuen  
Secretary of State  
State Capitol  
Little Rock, Arkansas 72201-1094

For Office  
Use Only:

Effective Date 8/1/91 Code Number 076.00.91--001

Name of Agency AR Real Estate Commission

Department \_\_\_\_\_

Contact Person Roy Bilheimer Telephone 682-2732

Statutory Authority for Promulgating Rules ACTS 423, 278, 1243 and 814 of 1991

Intended  
Effective Date

Date

Legal Notice Published

5/6-7-13-14-  
20-21/91

Emergency

Final Date for Public Comment

6-17-91

20 Days  
After Filing

Filed With Legislative Council

6-5-91

Other

Reviewed by Legislative Council

6-26-91

Adopted by State Agency

6-17-91

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance With Act 434 of 1967 As Amended.

Roy Bilheimer  
SIGNATURE

Executive Secretary

TITLE

June 19, 1991

DATE

QUESTIONNAIRE  
ON PROPOSED ADMINISTRATIVE RULES  
WHETHER NEW, AMENDATORY OR REPEALING

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FROM:  
AGENCY AR Real Estate Commission  
DIVISION \_\_\_\_\_  
CONTACT PERSON Roy Bilheimer or Bill Williamson  
ADDRESS 612 Summit Street, Little Rock, AR  
PHONE NUMBER 682-2732

W.J. WILLIAMS  
SECRETARY OF STATE  
LITTLE ROCK, ARKANSAS  
Leave Blank

INSTRUCTIONS

- A. Make copies of this form for future use.
- B. Answer each question completely using layman's language. Use additional sheets if necessary.
- C. If you have a method of indexing your rules, give the proposed citation after "SHORT TITLE OF THIS RULE" below.
- D. Submit two (2) copies of this questionnaire attached to the front of two (2) copies of your proposed rule to:

Committee on Administrative Rules and Regulations  
Arkansas Legislative Council  
Room 315 State Capitol  
Little Rock, AR 72201

SHORT TITLE OF THIS RULE 105. Examinations - Locations, times, fees

- 1. What is the subject of the proposed rule?  
Real Estate examinations - Locations, times, fees
- 2. Will this be a new rule or repeal or amend an existing rule? If it is an amendment, state specifically what is amended.  
Amendment. Application fee, broker's license fee, and salesman's license fee
- 3. What State or Federal law or regulation grants the authority for this proposed rule?  
ACT 423 of 1991
- 4. What is the purpose of this proposed rule? Why is it necessary?  
To allow for implementation of fee increase authorized by ACT 423 of 1991.
- 5. Will this proposed rule be controversial? If yes, explain nature of controversy.  
No.

(OVER)

\*\*\*\*\*  
\* FAILURE TO COMPLETELY ANSWER ALL QUESTIONS COULD RESULT IN PROCESSING DELAYS \*  
\*\*\*\*\*

## 105. Examinations - Locations, times, fees.

(a) All broker's and salesman's examinations are held at various locations within the state once each month during every month except December. The examinations are normally held on the fourth Saturday of each month, unless that happens to be a holiday weekend, in which case the examination will be scheduled for another date during that month. Generally, all applications should be received in the Commission office at least thirty days before the examination which the applicant desires to sit for. However, regardless of the date on which the application is received by the Commission, it shall be processed as expeditiously as possible under the circumstances, and the applicant will be scheduled to sit for the exam on the earliest date possible.

(b) Each application for either a salesman's license or a broker's license shall be accompanied by a \$50 application fee. In addition, each application for a salesman's license and each application for a broker's license shall be accompanied by an examination fee which shall equal the actual cost of the examination as established by the testing service engaged by the Commission to administer the examination. The examination fee shall be made payable to the Commission unless the applicant is otherwise notified by the Commission to pay the examination fee directly to the testing service. The application fee and the examination fee shall be charged each time an applicant applies to take an examination. However, an applicant who has taken the examination in Arkansas and is to be reexamined under the Walk-In Testing Program prescribed by the Commission and who is being examined on only the Arkansas law part or the uniform part of the examination pursuant to Regulation 101 or Regulation 104 shall not be required to pay an additional application fee when being reexamined within six (6) months following the month in which the applicant first failed either part. Neither the application fee nor the examination fee shall be subject to refund.

(c) An applicant shall receive notice upon passing the examination. Each successful broker applicant shall pay to the Commission, within 90 days from the date of the successful completion of the examination, a \$60 license fee and a \$25 recovery fund fee; each successful salesman applicant shall pay to the Commission, within 90 days from the date of successful completion of the examination, a \$40 license fee and a \$25 recovery fund fee. However, the payment of the \$25 recovery fund fee shall be waived for any successful applicant who has previously paid such fee. If a successful applicant shall fail to pay the prescribed fee(s) within 90 days following the date of the examination, the examination results shall be null and void, and the applicant shall be required to make new application and retake the examination, as an original applicant.

076.00.91--001

QUESTIONNAIRE  
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FROM:  
AGENCY AR Real Estate Commission  
DIVISION  
CONTACT PERSON Roy Bilheimer or Bill Walcott  
ADDRESS 612 Summit Street, Little Rock, AR  
PHONE NUMBER 682-2732

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Arkansas Legislative Council  
Room 315 State Capitol  
Little Rock, AR 72201

SHORT TITLE OF THIS RULE 109. Change of name or address - Lost license

- 1. What is the subject of the proposed rule?  
Change of name or address of Real Estate licensee and lost license procedures
- 2. Will this be a new rule or repeal or amend an existing rule? If it is an amendment, state specifically what is amended.  
Amendment. Fee for reissuance of license.
- 3. What State or Federal law or regulation grants the authority for this proposed rule?  
ACT 423 of 1991
- 4. What is the purpose of this proposed rule? Why is it necessary?  
To allow for implementation of fee increase authorized by ACT 423 of 1991.
- 5. Will this proposed rule be controversial? If yes, explain nature of controversy.  
No.

(OVER)

\*\*\*\*\*  
\* FAILURE TO COMPLETELY ANSWER ALL QUESTIONS COULD RESULT IN PROCESSING DELAYS \*  
\*\*\*\*\*

109. Change of name or address - Lost license.

Upon any change of name or address shown on any license issued by the Commission, or upon the loss or misplacement of a license or pocket card, the licensee shall promptly notify the Commission of such change or loss on a form prescribed by the Commission. Failure to notify the Commission shall automatically cancel any license heretofore issued. Upon receipt of such notice and other information as may be necessary to issue a new license, the Commission shall issue a new license for the unexpired period of the license upon the payment of a \$30 license reissuance fee.

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CONTACT PERSON Roy Bilheimer or Bill Williams  
ADDRESS 612 Summit Street, Little Rock, AR 72201  
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SHORT TITLE OF THIS RULE 110. Duplicate license

- 1. What is the subject of the proposed rule?  
Duplicate Real Estate licenses.
- 2. Will this be a new rule or repeal or amend an existing rule? If it is an amendment, state specifically what is amended.  
Amendment. Duplicate license fee.
- 3. What State or Federal law or regulation grants the authority for this proposed rule?  
ACT 423 of 1991.
- 4. What is the purpose of this proposed rule? Why is it necessary?  
To allow for implementation of fee increase authorized by ACT 423 of 1991.
- 5. Will this proposed rule be controversial? If yes, explain nature of controversy.  
No.

(OVER)

\*\*\*\*\*  
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\*\*\*\*\*

110. Duplicate license.

If a real estate broker maintains more than one (1) place of business within the state, a duplicate license shall be issued to that broker upon payment of a \$30 initial fee and thereafter payment of a \$30 annual renewal fee. However, notwithstanding the payment of the required fee, such a duplicate license shall not be issued to a supervising broker for any additional office at which salesmen will be assigned unless such other office has another supervising broker responsible for any such salesmen.

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CONTACT PERSON Roy Bilheimer or Bill Williamson  
ADDRESS 612 Summit Street, Little Rock, AR  
PHONE NUMBER 682-2732

W. J. "BILL" McCUEN  
SECRETARY  
OF STATE  
LITTLE ROCK, ARKANSAS  
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SHORT TITLE OF THIS RULE 112. Renewal of license - Fees, deadlines.

- 1. What is the subject of the proposed rule?  
Renewal of broker's and salesman's Real Estate license.
- 2. Will this be a new rule or repeal or amend an existing rule? If it is an amendment, state specifically what is amended.

Amendment. Renewal fee for broker's and salesman's license.

- 3. What State or Federal law or regulation grants the authority for this proposed rule?  
ACT 423 of 1991.
- 4. What is the purpose of this proposed rule? Why is it necessary?  
To allow for implementation of fee increase authorized by ACT 423 of 1991.

- 5. Will this proposed rule be controversial? If yes, explain nature of controversy.  
No.

(OVER)

\*\*\*\*\*  
\* FAILURE TO COMPLETELY ANSWER ALL QUESTIONS COULD RESULT IN PROCESSING DELAYS \*  
\*\*\*\*\*



112. Renewal of license - Fees, deadlines.

(a) The fee for the annual renewal of each broker's license shall be \$60. The fee for the annual renewal of each salesman's license shall be \$40.

(b) Notice to renew with renewal application blanks will be sent by mail about July 15 of each year to each actively licensed broker or salesman, at the last business address furnished to the Commission, and to each person who maintains his inactive status pursuant to Regulation 113 at the last address furnished to the Commission. Renewal applications accompanied by the required fee must be filed with the Commission no later than September 30. In order to be considered filed with the Commission by the deadline, the renewal applications must bear a U.S. Postal Service postmark of September 30, or be received in the Commission's office on September 30. If September 30 shall fall on a Saturday, Sunday or legal holiday, the Commission shall accept as meeting the filing deadline those renewal applications that bear a U.S. Postal Service postmark of September 30, and those applications received in the Commission office on the first day the office is open to the public after such Saturday, Sunday or legal holiday. In the event an application for renewal of a license is filed after September 30, then such application shall be treated as an application to renew a lapsed license.

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SHORT TITLE OF THIS RULE 113. Inactive license.

- 1. What is the subject of the proposed rule?  
Inactive broker's and salesman's license.
- 2. Will this be a new rule or repeal or amend an existing rule? If it is an amendment, state specifically what is amended.  
  
Amendment. Fee for inactive broker's and salesman's license.
- 3. What State or Federal law or regulation grants the authority for this proposed rule?  
ACT 423 of 1991.
- 4. What is the purpose of this proposed rule? Why is it necessary?  
To allow for implementation of fee increase authorized by ACT 423 of 1991.
- 5. Will this proposed rule be controversial? If yes, explain nature of controversy.  
No.

(OVER)

### 113. Inactive license.

(a) Any broker or salesman who does not wish to engage in the real estate business at the time of renewal shall apply for inactive status on renewal forms furnished by the Commission. The fee for inactive status for each renewal period shall be \$60 for brokers and \$40 for salesmen. Any person who shall renew his license on inactive status may do so for six (6) consecutive renewals. If he shall not activate his license before the seventh (7th) renewal, he shall be required to sit for the examination in the same manner as an original applicant. However, there shall be no limitation on the renewal of an inactive broker's license, if the individual holds a license as a salesman at any time during the same renewal period. Also there shall be no limitation on the renewal of an inactive license if the individual holds an active license in another state. There shall also be no limitation on the renewal of an inactive license by an employee of the federal, state, county or local government if the holding of an active license would not be in the public interest. Likewise, there shall be no limitation on the renewal of an inactive license by a full-time instructor of real estate at a college, university, or business school whose course of instruction is deemed by the Commission to satisfy the educational requirements of the real estate license law.

It shall be the responsibility of any person who renews his license on inactive status to promptly notify the Commission in writing of any change of name or address.

(b) If an actively licensed broker or actively licensed salesman does not wish to continue to engage in the real estate business, such broker or salesman shall return any license and pocket card in his possession to his sponsoring broker who shall then return these items to the Commission for inactive status. If a broker shall close his firm, such broker shall remove all signs reflecting the company name and shall return all licenses and pocket cards issued to the firm to the Commission office for cancellation. If a real estate firm shall close its office, any real estate salesman licensed with such firm shall be entitled to transfer to a new firm upon compliance with Regulation 107.

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SHORT TITLE OF THIS RULE 114. Lapsed license.

- 1. What is the subject of the proposed rule?  
Lapsed broker's or salesman's Real Estate license.
- 2. Will this be a new rule or repeal or amend an existing rule? If it is an amendment, state specifically what is amended.  
Amendment. Renewal fee for lapsed broker's or salesperson's Real Estate license.
- 3. What State or Federal law or regulation grants the authority for this proposed rule?  
ACT 423 of 1991.
- 4. What is the purpose of this proposed rule? Why is it necessary?  
To allow for implementation of fee increase authorized by ACT 423 of 1991.

5. Will this proposed rule be controversial? If yes, explain nature of controversy.  
No.

(OVER)

#### 114. Lapsed license.

In the event that an application for the renewal of a license, either active or inactive, is not filed prior to the renewal deadline, such license is deemed to have lapsed at the end of the renewal period. Upon reapplication within five (5) years, a person formerly licensed by the Commission may be relicensed without submitting to any examination if the applicant furnishes the information required in the Ark. Code Ann. § 17-35-304 and pays the required fees. The fee for renewal of a lapsed broker's license is \$90 per year of lapse or fraction thereof and a \$25 recovery fund fee; renewal of a lapsed salesman's license is \$60 per year of lapse or fraction thereof and a \$25 recovery fund fee. However, the payment of the \$25 recovery fund fee shall be waived for any person who has previously paid such fee. A former licensee who fails to apply for renewal of a lapsed license within five (5) years shall be regarded as an original applicant.