

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Real Estate Commission

Department Department of Labor and Licensing

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Statutory Authority for Promulgating Rules A.C.A. § 17-42-303(c)(1)

Rule Title: 4.5, 6.1, 11.1 - Service Members, Renewal Apps, Waiver for uniformed service members

Intended Effective Date
(Check One)

☐ Emergency (ACA 25-15-204)

☐ 10 Days After Filing (ACA 25-15-204)

☒ Other _____
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

03/11/2022

04/11/2022

05/18/2022

07/01/2022

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Sandy Edgar

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June 3, 2022

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

501-683-8016

Phone Number

andrea.alford@arkansas.gov

E-mail Address

Executive Director

Title

June 3, 2022

Date

PROPOSED RULE AMENDMENT

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For the purposes of promulgating amended rules pursuant to Act 135 of the 2021 Regular Session of the General Assembly

4.5 Automatic licensure for uniformed service members, veterans and their spouses.

As used in this subsection, “uniformed service veteran” means a former member of the United States Uniformed Services discharged under circumstances other than dishonorable and “automatic licensure” means the granting of occupational licensure without an individual’s having met occupational licensure requirements provided under this title or by the rules of the occupational licensing entity.

- (a) The Commission shall grant automatic licensure for a broker or salesperson to an individual who is the holder in good standing of a license with a similar scope of practice issued by another state, territory, or district of the U.S. and is:
 - (1) A uniformed service member stationed in the State of Arkansas;
 - (2) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or
 - (3) The spouse of:
 - a. A person under (a)(1) or (2) above;
 - b. A uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; or
 - c. A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.
- (b) The Commission shall grant such automatic licensure upon receipt of all the below:
 - (1) Payment of the initial licensure fee;
 - (2) Evidence that the individual holds a license with a similar scope of practice in another state;
and
 - (3) Evidence that the applicant is a qualified applicant under section (a).

PROPOSED RULE AMENDMENT

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For the purposes of promulgating amended rules pursuant to Act 135 of the 2021 Regular Session of the General Assembly

6.1 Renewal applications.

(a) Notwithstanding the provisions of Section 6.1(d), unless renewed as active or inactive, every real estate broker or salesperson license shall expire on December 31 of each calendar year.

(b) Notice to renew licenses will be sent by mail or electronically about July 15 of each year to the firm at which the licensee is licensed or such other address as the Commission has on file for the licensee. 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 or before September 30. If September 30 falls 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 on the first business day thereafter, and those applications received in the Commission office on the first day the office is open to the public following such Saturday, Sunday or legal holiday. A renewal application filed after the deadline shall be treated as an application to renew an expired license.

(c) To hold an active license a broker or salesperson shall complete annually seven (7) classroom hours of continuing education approved by the Commission or equivalent continuing education units or equivalent distance education of approved continuing education. One (1) classroom hour, which shall satisfy only one (1) of the seven classroom hours, must focus on how real estate professionals can limit risk to preserve personal safety for agents and consumers.

(d) The expiration date of a license for a deployed uniformed service member or spouse will be extended for one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.

PROPOSED RULE AMENDMENT

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For the purposes of promulgating amended rules pursuant to Act 135 of the 2021 Regular Session of the General Assembly

11.1 Requests for waiver or extension; exemptions for uniformed service members and their spouses.

(a) Notwithstanding the provisions of 11.1(b), each request for a waiver of the continuing education requirement under A.C.A. § 17-42-307(c) or extension of time to complete post license education requirement, shall be in writing and shall be supported by clear and convincing evidence. The Commission shall acknowledge each such request and shall announce its decision in writing. If the waiver or extension is granted, the Commission may impose such terms and conditions as it deems appropriate.

(b) A full exemption from continuing education or post-license education requirements will be allowed for a deployed uniformed service member or spouse until one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.