

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Luelf**
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6

A Bill ACT 814 OF 1991

SENATE BILL 604

For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE TO
9 PROVIDE THAT THE STATE BOARD OF PRIVATE CAREER EDUCATION
10 SHALL APPROVE CONTINUING EDUCATION COURSES FOR REAL ESTATE
11 BROKERS AND SALESMEN; AND FOR OTHER PURPOSES."

12
13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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15 SECTION 1. Arkansas Code Annotated §17-35-501 is amended to read as
16 follows:

17 "17-35-501. Definitions.

18 As used in this subchapter, unless the context otherwise requires:

19 (1) 'Classroom hour' means a period of at least fifty (50) minutes,
20 but not more than sixty (60) minutes, of actual classroom instruction with the
21 instructor present;

22 (2) 'Continuing education' means post licensure education derived from
23 participation in courses in real estate-related subjects, which have been
24 approved by the board or which are not required by this subchapter to be
25 approved by the board;

26 (3) 'Board' means State Board of Private Career Education."
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28 SECTION 2. Arkansas Code Annotated §17-35-503 is amended to read as
29 follows:

30 "17-35-503. Requirements - Waiver - Inactive status.

31 (a) As a condition precedent to renewal or activation of licenses,
32 licensees shall meet the following requirements:

33 (1) Licensees on inactive status are not required to comply with
34 this subchapter during their inactive status. Prior to activation of a
35 license on inactive status, the licensee shall satisfactorily complete six (6)
36 classroom hours, or equivalent correspondence work, of continuing education.

1 However, that will satisfy the requirements only for that particular license
2 year and not for the following license year.

3 (2) Persons licensed as real estate brokers or salespersons shall
4 successfully complete six (6) classroom hours, or equivalent correspondence
5 work, of continuing education annually. Those persons shall be deemed to have
6 successfully completed the continuing education requirements for the licensing
7 year following the year in which first licensed in Arkansas.

8 (3) Provided the course or courses consist of no less than six
9 (6) classroom hours of real estate-related subjects and otherwise comply with
10 the minimum requirements of this act, and further provided that evidence of
11 such compliance satisfactory to the commission is submitted in form, manner
12 and content prescribed by the commission;

13 (A) A nonresident licensee may meet the Arkansas continuing
14 education requirements by meeting the continuing education requirements of
15 his/her resident state during the licensing year in question; and

16 (B) A licensee may meet the continuing education
17 requirements of this act by attending an accredited and recognized out of
18 state college or university during the licensing year in question.

19 (b) The commission may waive all or part of the requirements of
20 subsection (a) of this section for any licensee who submits satisfactory
21 evidence of inability to meet the continuing education requirements due to
22 health reasons or other hardship or extenuating circumstances beyond the
23 licensee's control.

24 (c) Licenses for persons who apply for renewal of their licenses and
25 who do not provide to the commission evidence of meeting the continuing
26 education requirements, but who have otherwise met all requirements for
27 license renewal, shall be placed on inactive status until the evidence is
28 provided to the commission."

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30 SECTION 3. Arkansas Code Annotated §17-35-504 is amended to read as
31 follows:

32 "17-35-504. Curriculum.

33 (a) The commission may establish the continuing education curriculum by
34 identifying subject matter topics, but shall not require licensees to complete
35 specific courses within the subject matter topics. Changes in the initial

1 curriculum shall be applicable beginning with the license renewal period
2 subsequent to the curriculum change.

3 (b) The board may approve only those continuing education courses which
4 meet the criteria prescribed by the commission. In establishing such
5 criteria, the commission shall give due consideration to the advice and
6 recommendations of the board.

7 (c) The board shall determine the classroom hour equivalency of
8 correspondence courses."

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10 SECTION 4. Arkansas Code Annotated §17-35-505 is amended to read as
11 follows:

12 "17-35-505. Matters not qualifying.

13 The following do not qualify as continuing education:

14 (1) Courses of instruction designed to prepare a student for passing
15 the real estate broker or salesperson examinations, except as provided in
16 17-35-503;

17 (2) Offerings in mechanical skills, office and business skills
18 including, but not limited to: typing, speed-reading, memory improvements,
19 language, report writing, personal motivation, salesmanship, and sales
20 psychology;

21 (3) Sales promotions or other meetings held in conjunction with the
22 general business of the licensee;

23 (4) Time devoted to breakfast, luncheons, and dinners; and

24 (5) The same course may not be used to meet the continuing education
25 requirement twice during the same license year."

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27 SECTION 5. Arkansas Code Annotated §17-35-506 is amended to read as
28 follows:

29 "17-35-506. Courses not requiring approval to qualify.

30 (a) The following courses and their instructors are not required to
31 obtain the approval of the board in order to qualify as continuing education
32 courses under this subchapter:

33 (1) Courses in real estate-related subjects offered by the
34 National Association of Realtors, the National Association of Real Estate
35 Brokers or their societies, institutes, or councils;

1 (2) Courses in real estate-related subjects offered by the
2 commission.

3 (b) Courses listed in 17-35-505 are unacceptable."
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5 SECTION 6. Arkansas Code Annotated §17-35-507(a) is amended to read as
6 follows:

7 "(a) Except as provided in this subchapter, instructors in continuing
8 education courses shall file credentials with the board showing the necessary
9 specialized preparation, training, and experience to insure competent and
10 qualified instruction."
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12 SECTION 7. Arkansas Code Annotated §17-35-508 is amended to read as
13 follows:

14 "17-35-508. Credit - Certificate of attendance.

15 (a) Credit shall be earned on the basis of attendance.

16 (b)(1) A certificate of attendance, which states the name of the
17 student, the name of the school or sponsor of the course, the date the course
18 was completed, and the number of classroom hours of instruction covered by the
19 individual course shall be presented to each attendee upon completion of the
20 course. Either a copy of the certificate or other proof of satisfactory
21 completion of the course acceptable to the commission shall be furnished to
22 the commission by the licensee. It is the licensee's responsibility to
23 establish his/her successful completion of a continuing education course.

24 (2) No certificate of attendance shall be issued to a licensee
25 who is absent for more than ten percent (10%) of the classroom hours."
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27 SECTION 8. All provisions of this act of a general and permanent nature
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
29 Revision Commission shall incorporate the same in the Code.
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31 SECTION 9. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.

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SECTION 10. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: 3/26/91