

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 2/4/87

HOUSE BILL 1330

By: Representative Mahony

AS ENGROSSED 2/9/87

"AN ACT TO REQUIRE REAL ESTATE BROKERS AND SALESMEN TO PARTICIPATE IN CONTINUING EDUCATION; AND FOR OTHER PURPOSES."

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

SECTION 1. Definitions. (A) "Classroom hour" means a period of at least fifty minutes, but not more than sixty minutes, of actual classroom instruction, presented either live or by video tape.

(B) "Commission" means the Arkansas Real Estate Commission.

(C) "Continuing education" means post-licensure education derived from participation in courses in real estate related subjects, which have been approved by the Division, or which are not required by this Act to be approved by the Division.

(D) "Division" means the Division of Vocational and Technical Education of Arkansas Department of Education.

(E) "Licensee" means a person licensed as a real estate broker or as a salesman under Act 148 of 1929, as amended.

SECTION 2. (A) Continuing education requirements. As a condition precedent to renewal or activation of licenses, licensees shall meet the following requirements:

(1) Licensees on inactive status are not required to comply with this Act during their inactive status. Prior to activation of a license on inactive status, the licensee shall satisfactorily complete six classroom hours (or equivalent correspondence work) of continuing education. After activation, licensees shall satisfactorily complete six classroom hours (or equivalent correspondence work) of continuing education during each successive annual license renewal period.

(2) Persons holding active licenses as real estate brokers or salesmen

prior to January 1, 1987 shall successfully complete six classroom hours (or equivalent correspondence work) of continuing education prior to the renewal of their license, for license year beginning January 1, 1989, and shall successfully complete six classroom hours (or equivalent correspondence work) of continuing education annually thereafter.

(3) Persons licensed as real estate brokers or salesmen after December 31, 1986 shall successfully complete six classroom hours (or equivalent correspondence work) of continuing education prior to their second license renewal, and shall successfully complete six classroom hours (or equivalent correspondence work) of continuing education annually thereafter. Such persons shall be deemed to have successfully completed the continuing education requirements for the licensing year following the year in which first licensed by successfully completing the educational requirement for the issuance of original license.

(B) Waiver. The Commission may waive all or part of the requirements of paragraph (A) of this Section for any licensee who submits satisfactory evidence of inability to meet the continuing education requirements due to health reasons, or other hardship or extenuating circumstances beyond the licensee's control.

(C) Licenses for persons who apply for renewal of their licenses and who do not provide the Commission evidence of meeting the continuing education requirements, but who have otherwise met all requirements for license renewal, shall be placed on inactive status until such evidence is provided to the Commission.

SECTION 3. Curriculum. (A) The Commission may establish the continuing education curriculum by identifying subject matter topics, but shall not require licensees to complete specific courses within the subject matter topics. Changes in the initial curriculum shall be applicable beginning with the license renewal period subsequent to the curriculum change.

(B) The Division may approve only those continuing education courses which meet the criteria prescribed by regulations promulgated by the Division.

(C) The Division shall determine the classroom hour equivalency of correspondence courses.

SECTION 4. Courses which are unacceptable. The following do not qualify as continuing education:

(a) courses of instruction designed to prepare a student for passing the real estate broker or salesman examinations, except as provided in Sections 2 and 7;

(b) offerings in mechanical, office and business skills, including but not limited to: typing, speed-reading, memory improvements, language, report writing, personal motivation, salesmanship, and sales psychology;

(c) sales promotions or other meetings held in conjunction with the general business of the licensee;

(d) time devoted to breakfasts, luncheons, and dinners.

SECTION 5. Courses and instructors thereof not requiring Division approval.

The following courses and instructors thereof are not required to obtain the approval of the Division, in order to qualify as continuing education courses under this Act, except that courses listed in Section 4 of this Act are unacceptable:

(a) courses acceptable to the Commission in real estate related subjects offered by colleges or universities;

(b) courses in real estate related subjects offered by the National Association of Realtors (NAR), the National Association of Real Estate Brokers (NAREB), or their societies, institutes or councils, and the Arkansas Realtors Association (ARA);

(c) courses acceptable to the Commission in real estate related subjects offered by private proprietary schools or state vocational technical schools;

(d) courses in real estate related subjects offered by any private proprietary school certified by the National Association of Real Estate License Law Officials (NARELLO);

(e) courses in real estate related subjects offered by the Arkansas Real Estate Commission.

SECTION 6. Instructor approval. Except as otherwise provided in this Act, instructors in continuing education courses shall file with the Division credentials showing the necessary specialized preparation, training, and experience to insure competent and qualified instruction. Instructors shall meet at least one of the following requirements:

(a) a bachelor's degree in the field in which the person is to teach; or

(b) a valid teaching credential or certificate from Arkansas or another state authorizing the holder to teach in the field of instruction being offered; or

(c) five years of full-time experience in a profession, trade or technical occupation in the field of instruction being offered.

SECTION 7. Special dispensation for present licensees. All persons who are licensees on the effective date of this Act may meet the continuing education requirements on one occasion by taking a course in the basic principles of real estate approved by the Division.

SECTION 8. Certificate of attendance. Credit shall be earned on the basis of attendance. A certificate of attendance, which states the name of the student, the name of the school and/or sponsor of the course, the date the course was completed, and the number of classroom hours of instruction covered by the individual course, shall be presented to each attendee upon completion of the course, and this certificate or a copy thereof shall be submitted with the license renewal application. Other than those issued from a college or university, no certificate of attendance shall be issued to a licensee who is absent for more than ten percent of the classroom hours.

SECTION 9. The Commission may promulgate such regulations as it deems necessary for the implementation of this Act.

SECTION 10. All laws or parts of laws in conflict herewith are hereby repealed.

/s/ Jody Mahony

