

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 790 Department or Agency Alabama Real Estate Commission
Rule No. 790-X-1-12
Rule Title: Continuing Education Course Approval And Requirements.
 New 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 action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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 Services Agency.

Signature of certifying officer Vaughn T Poe

Date September 27, 2022

(DATE FILED)
(STAMP)
REC'D & FILED
SEP 27 2022
LEGISLATIVE SVC AGENCY

APA-2

ALABAMA REAL ESTATE COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Real Estate Commission

RULE NO. & TITLE: Rule 790-X-1-.12
Continuing Education Course Approval And Requirements.

INTENDED ACTION: Amend Rule

SUBSTANCE OF PROPOSED ACTION: This amendment removes the requirement of a closing continuing education school to submit school records for the previous four years to the Commission upon closure. Course credit is submitted electronically to the Commission and those records are not needed. A copy of the proposed rule amendment may be found on the Commission's website, www.arec.alabama.gov.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments can be presented at the public hearing scheduled at 9:00 a.m. on November 17, 2022, during the regularly scheduled Commission Meeting to be held at the Alabama Real Estate Commission located at 1201 Carmichael Way, Montgomery, Alabama. Additionally, written comments may be addressed to Vaughn Poe, 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 December 15, 2022.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
December 15, 2022

CONTACT PERSON AT AGENCY: Barbi Lee, Alabama Real Estate Commission,
1201 Carmichael Way, Montgomery, Alabama 36106. (334) 242-5544.

Vaughn T Poe

Vaughn T. Poe
Executive Director

**Rule 790-X-1-.12 Continuing Education Course Approval
And Requirements.**

(1) All instructors of continuing education courses shall apply for course approval on a form prescribed by the Commission along with a \$100 course review fee and all required documents. Applications for courses shall be submitted online as required by the Commission.

(2) Approved continuing education courses shall be taken from a Commission approved school and taught only by approved instructors. Otherwise those completing the course shall not receive credit toward meeting continuing education requirements.

(3) In order to be approved for continuing education credit, courses shall contain a minimum of three (3) clock hours of instruction. A licensee shall not earn more than nine (9) hours of continuing education credit in any one day. Upon special request courses which contain one and one-half (1 1/2) hours may be approved by the Commission.

(4) Administrators shall not advertise courses out as approved, enroll students or conduct classes for which students expect to earn continuing education credit prior to the course instructor receiving written approval from the Commission. Course instructors shall submit the course application to the Commission at least 14 days prior to the proposed beginning date of the course.

(5) Administrators shall report all required course information including the exact location, times and dates of the courses to the Commission via the electronic submission program provided by the Commission at least five (5) business days prior to the beginning of each course. Should changes occur in this information, the administrator shall submit the changes immediately via the electronic submission program provided by the Commission. Business days are Monday through Friday and do not include federal holidays, state holidays and weekends.

(6) Administrators shall within 10 days of course completion, report credit for the students who successfully completed the course to the Commission via the electronic submission program provided by the Commission.

Credit completed on or before September 30 of a renewal year shall be entered before midnight of September 30 to avoid possible disciplinary action.

(7) Each school shall maintain permanent records for its students showing attendance, course credit submission via the electronic submission program provided by the Commission, and any other documentation required by the Commission for a minimum of four (4) years. If a school closes because it merges with another school or is bought by another school, the records for the previous four years shall be turned over to and become the responsibility of the new school. If a branch school closes, the records for the previous four years shall be turned over to and become the responsibility of the principal school. ~~In the event a school closes and there is no school to whom the records would revert, the records for the previous four years must be turned over to the Commission.~~

(8) No more than one-third of any continuing education class can be presented through video unless the course is an ARELLO certified distance education course.

(9) Students shall attend 100% of the course offering in order to be awarded continuing education credit. Instructors may take a 10-minute break after each 50 minutes of instruction. Credit shall not be given for time spent on meals or other unrelated activities. The instructor and school shall not issue credit to students who do not attend 100% of the course offering.

(10) Prior to becoming licensed, a person shall not earn real estate continuing education credit.

(11) Any licensee who completes the entire 60 hour broker prelicense course or the entire 30 hour post license course shall earn 15 clock hours of continuing education credit which shall satisfy all continuing education requirements for the current license period.

(12) Instructors and schools shall provide each student in any approved continuing education class with instructions on how they can check continuing education credit and electronically submit a course evaluation on the Commission's website.

(13) Any licensee who completes a continuing education classroom course in another state which is approved by any state may receive credit in Alabama for successful completion of that course by submitting appropriate documentation as prescribed by the Commission including verification of approval by any state, the number of hours for which the course is approved, and course completion. Such courses shall count as elective continuing education credit only. These courses shall not be subject to renewal procedures, instructor application and fee or the course review fee.

Author: Alabama Real Estate Commission

Statutory Authority: Code of Ala. 1975, §§ 34-27-6, 34-27-8, 34-27-32, 34-27-35.

History: Filed August 27, 1986. **Ed Note:** Former Rule 790-X-1-.11 entitled "Waiver of Course Requirements under Certain Conditions" moved in its entirety to become Rule 790-X-1-.18. **Amended:** Filed May 17, 1988; August 15, 1988. Emergency rule filed October 1, 1990. **Amended:** Filed December 6, 1990; February 6, 1991; August 7, 1992. **Amended:** Filed August 23, 1993; effective September 27, 1993. **Amended:** Filed August 23, 1996; effective September 27, 1996. **Amended:** Filed August 3, 1998; effective September 7, 1998. **Amended:** Filed August 29, 2000; effective October 3, 2000. (**Ed. NOTE:** Former Rule 790-X-1-.11 was moved in its entirety to become 790-X-1-.12, as per this certification). **Amended:** Filed September 18, 2001; effective October 23, 2001. **Amended:** Filed November 25, 2003; effective December 30, 2003. **Amended:** Filed August 31, 2004; effective October 5, 2004. **Amended:** Filed August 25, 2006; effective September 28, 2006. **Amended:** Filed April 24, 2007; May 29, 2007. **Amended:** Filed July 11, 2008; effective August 15, 2008. **Amended:** Filed May 27, 2009; effective July 1, 2009. **Amended:** Filed August 27, 2009; effective October 1, 2009. **Amended:** Filed September 6, 2013; effective October 11, 2013. **Amended:** Filed August 17, 2016; effective October 1, 2016. **Amended:** _____; effective _____.