

**ADOPTED REGULATION OF THE
REAL ESTATE COMMISSION**

LCB File No. R186-99

Effective January 21, 2000

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 645.190 and 645.575; §§2-7, NRS 645.190; §8, NRS 645.190 and 645.630.

Section 1. NAC 645.455 is hereby amended to read as follows:

645.455 1. An application for the approval of a course for ~~the~~ continuing education ~~of licensees~~ must be submitted to the division *on a form provided by the division* for review and presentation to the commission. ~~The application must be made on a form provided by the division.~~

2. The commission will not ~~give~~ *grant* retroactive approval for ~~such a course.~~ *a course for continuing education.*

3. The commission will ~~use the following criteria in determining whether to approve such a course, though it may use additional criteria:~~

~~(a) Whether the course consists of at least:~~

~~(1) Three hours of instruction if the course is held in a classroom;~~

~~(2) Fifteen hours of study if the course is given by correspondence; and~~

~~(3) Three hours of practical experience if the course is an interactive program of instruction which is limited for use on a computer.~~

~~(b) Whether the~~ *grant credit for a course for continuing education only if:*

(a) *The course consists of at least 3 hours of distance education or instruction in a classroom.*

(b) *For a course of instruction in a classroom, the* sponsor of the course ~~[is willing to certify]~~ :

(1) *Certifies* to the attendance of licensees ~~[at the course.~~

~~—(c) Whether the sponsor is willing to maintain for 5] who take the course for credit.~~

(2) *Maintains for 3* years a record of attendance which contains ~~[:~~

~~—(1)] the following information with respect to each licensee who has taken the course for credit:~~

(I) The name of ~~[each] the~~ licensee in attendance and the number of his license.

~~[(2)] (II)~~ The title and ~~[description] number~~ of the course.

~~[(3)] (III)~~ The hours of instruction attended and dates of ~~[his attendance.~~

~~—(4) A statement or indication whether he passed or failed] attendance by the licensee.~~

(IV) *A statement that the licensee has successfully completed* the course, if applicable.

~~[(d) Whether the sponsor of the course is willing to assure]~~

(3) *Assures the commission* that an approved instructor will preside throughout the course.

~~[(e) In the case of correspondence courses, whether the sponsor will:~~

~~—(1) Administer a closed-book final examination;~~

~~—(2) Administer at least one quiz or progress evaluation; and~~

~~—(3) Publish a policy for retaking an examination which a student failed.]~~

~~[(f) In the case of presentations by video tape, whether the sponsor will provide an approved instructor at the site of the presentation to supplement and control instruction in the course.~~

~~—(g) In the case of an interactive program of instruction which is limited for use on a computer, the course must consist of material for instruction which requires the student to complete the course in approximately the same number of hours for which the course is approved. The licensee is entitled to receive credit for the course if he completes an examination at the end of the course with a score of at least 90 percent. The examination must be graded by the sponsor before the issuance of a certificate.]~~

(c) For a course of distance education, the sponsor of the course:

(1) Administers a final examination on which a licensee must receive a score of at least 75 percent to pass the course.

(2) Publishes a policy for retaking an examination which a licensee failed.

(3) Maintains for 3 years a record of completion of the course which contains the following information with respect to each licensee who has taken the course for credit:

(I) The name of the licensee who completes the course and the number of his license.

(II) The title and number of the course.

(III) A statement that the licensee has successfully completed the course which includes, without limitation, the date that the course was completed and the number of hours completed.

4. If a course is approved, the sponsor shall provide a certified copy of the record of attendance *or record of completion* to the licensee upon his completion of the course. The division shall accept the certificate as proof of the ~~licensee's~~ attendance *of the licensee or completion of the course by the licensee* for the purpose of renewal or reinstatement of his license. If the course is taken at a university or community college, the proof of attendance must be a certified transcript. The certificate of a sponsor must contain the:

- (a) Name of the sponsor;
- (b) Name of the licensee and his license number;
- (c) Number of hours of instruction;
- (d) Dates of ~~[instruction;]~~ *instruction for a course of instruction in a classroom;*
- (e) *Date of completion of the course for a course of distance education;*
- (f) Title of the course or seminar;

~~[(f) Sponsor's number]~~

(g) *Number of the sponsor* assigned by the division and a statement that the course was approved by the ~~[real estate commission;~~

~~—(g)]~~ *commission;*

(h) Signature of the person authorized to sign for the sponsor; and

~~[(h)]~~

(i) Grade received by the ~~[student]~~ *licensee* or a statement of whether the ~~[student]~~ *licensee* passed the class if an examination was given.

Sec. 2. NAC 645.610 is hereby amended to read as follows:

645.610 1. In any advertisement through which a licensee offers to perform services for which a license is required under chapter 645 of NRS, he shall disclose, if he is a real estate broker, the name under which he does business or, if he is one of the other licensees, the name of the broker with whom he is associated.

2. A broker-salesman or salesman may not advertise solely under his own name when acting in the capacity of a broker-salesman or salesman. All such advertising must be under the direct supervision of and in the name of the broker. *A broker-salesman or salesman who advertises*

under the name of the broker with whom he is associated must use the name of the broker that is approved by and registered with the division.

3. A licensee may not use his name, address, or telephone number, or the corporate or fictitious name under which a broker does business, in any advertisement which contains the words “for sale by owner,” “for lease by owner,” or similar words.

4. If the name of a real estate broker-salesman or salesman appears in such an advertisement (including a sign), the real estate company’s name must be clearly identified with prominence in relation to the name of the broker-salesman or salesman. All such advertisements must include the telephone number of the real estate company, if required by the broker.

Sec. 3. NAC 645.620 is hereby amended to read as follows:

645.620 1. A broker shall not operate under a fictitious name unless he complies with chapter 602 of NRS and files with the division a certified copy of the certificate issued by the county clerk. The division shall not issue more than one license nor register more than one owner-developer under the same name.

2. If a ~~[licensee]~~ *broker* changes or assumes a fictitious name under which business is conducted, he shall file a certified copy of the certificate issued by the county clerk to the division within 10 days after the certificate is issued.

3. A broker may not use more than one name for each license under which he operates.

Sec. 4. NAC 645.632 is hereby amended to read as follows:

645.632 ~~[A licensee representing]~~

1. If a licensee represents a seller in a transaction ~~[is responsible for informing the buyer or the buyer’s representative of the seller’s failure to accept offers if such offers have not been accepted]~~, *and if the seller does not accept an offer* within a reasonable time ~~[. For the purpose~~

~~of this section “buyer’s representative” means that person or entity who tenders an offer to the seller on behalf of the buyer.]~~ *after an offer has been presented to the seller, the licensee shall provide to the buyer or the representative of the buyer written notice signed by the seller which informs the buyer that the offer has not been accepted by the seller.*

2. If a licensee represents a buyer in a transaction, and if the buyer does not accept a counteroffer within a reasonable time after a counteroffer has been presented to the buyer, the licensee shall provide to the seller or the representative of the seller written notice signed by the buyer which informs the seller that the counteroffer has not been accepted by the buyer.

Sec. 5. NAC 645.637 is hereby amended to read as follows:

645.637 ~~[Except for transactions involving a leasehold interest with an initial term of not more than 1 year, in]~~ *In* each real estate transaction involving a licensee, as agent or principal, the licensee shall clearly disclose, in writing, to the buyer and seller and the lessor and lessee, his relationship as the ~~[buyer’s]~~ *agent of the buyer* or the ~~[seller’s agent.]~~ *seller, or his status as a principal.* The disclosure must be made as soon as practicable, but not later than the date and time on which a written agreement ~~[between]~~ *is signed by* the buyer or seller, or both, ~~[and]~~ *or* the lessor or lessee, or ~~[both, is signed.]~~ *both.* The prior disclosure must then be confirmed in a separate provision incorporated in or attached to that agreement and must be maintained by the broker in his files relating to that transaction.

Sec. 6. NAC 645.640 is hereby amended to read as follows:

645.640 1. A licensee shall not acquire or dispose of any time share, real property or an interest in any time share or real property for himself, any member of his immediate family, his firm, or any member thereof, or any entity in which he has an interest as owner unless he first

discloses in writing , *on the offer to purchase or counteroffer*, to ~~[each other party to]~~ *the buyer and seller in* the transaction that:

(a) He is acquiring or disposing of the time share or property for himself or for a member, firm, or entity with which he has such a relationship; and

(b) He is a licensed real estate broker, licensed real estate broker-salesman, or licensed real estate salesman whether his license is active or inactive. This disclosure may be accomplished with a reference to himself as an agent, licensee, salesman, broker, or broker-salesman, whichever is appropriate.

2. If a licensee advertises any time share or real property or his desire to enter into a transaction which is subject to the provisions of subsection 1, he shall include in the advertisement the disclosure required by that subsection.

Sec. 7. NAC 645.650 is hereby amended to read as follows:

645.650 **1.** A broker shall keep complete real estate transaction and property management records for at least ~~[7]~~ **5** years after the date of the closing or the last activity involving the property ~~[]~~, *including, without limitation, offers that were not accepted and transactions that were not completed, unless otherwise directed by the division.*

2. *A salesman or broker-salesman must provide any paperwork to the broker with whom he is associated.*

Sec. 8. NAC 645.695 is hereby amended to read as follows:

645.695 **1.** The real estate administrator may require a licensee to pay an administrative fine in the amount set forth in this subsection for a violation of the following provisions:

First

Second or

	Offense	Subsequent Offense
NRS 645.252	\$500	\$1,000
Subsection 4, 5 or 6 of NRS 645.310	500	1,000
NRS 645.530	100 per license	200 per license
Subsection 1 of NRS 645.570	250	500
Subsection 1 of NRS 645.580	250	500
Subsection 1, 2, 3, 4, 5, 6, 8, 9 10, 11 or 12 of NRS 645.630	500	1,000
Subsection 7 of NRS 645.630	1,000	2,000
Subsection 3, 5, 7 or 8 of NRS 645.633	500	1,000
Subsection 6 of NRS 645.633	250	500
Subsection 1, 2, 5, 6 or 8 of NRS 645.635	500	1,000
NRS 645.660	500	1,000
NAC 645.180	500	1,000
Subsection 1, 2 or 4 of NAC 645.610	250	500
Subsection 3 of NAC 645.610	500	1,000
<i>NAC 645.615</i>	<i>250</i>	<i>500</i>
NAC 645.625	250	500
<i>NAC 645.627</i>	<i>250</i>	<i>500</i>
NAC 645.637	250	500
NAC 645.640	500	1,000
NAC 645.645	500	1,000

NAC 645.650	500	1,000
NAC 645.655	250	500

2. In addition to imposing an administrative fine pursuant to subsection 1, the real estate administrator may:

(a) Recommend to the commission that the license of the licensee, the permit of the licensee if he holds a permit to engage in property management, or both, be suspended or revoked if the licensee is found guilty of a third or subsequent offense of any of the provisions set forth in subsection 1.

(b) Require a licensee to complete not more than 9 hours of continuing education.