

Readopt with amendment Rea 401.01, effective 1/23/2020 (Document #12977-B), to read as follows:

Rea 401.01 Renewals of License.

(a) Applicants for renewal of a broker's license shall complete and submit a "Real Estate Commission Broker Renewal Form", revised [6]7/2022, and include the following:

(1) The fee pursuant to Rea 301.02;

Edit. Delete.

~~[(1)](2)~~ If the applicant answered "yes" to the question[s 1, 2, and 5 on the "Real Estate Commission Broker Renewal Form" described in (a) above, a separate document shall be submitted with the application giving full details and an explanation of each "yes" answer;] **"Have you, since your last original or renewal application been convicted of a felony or misdemeanor offense that has not been annulled by a court?" and provide the board with a thorough explanation of the circumstances surrounding each incident including the name of the court, the details of the offense, the date of the conviction, and the sentence imposed;**

Edit. "the question"

(3) If the applicant answered "yes" to questions "Have any licenses, which you have held been subject to disciplinary action in any state since your last original or renewal application?" attach a letter of explanation disclosing which jurisdiction(s), details of the offense(s), and details of the disciplinary action(s);

(4) If the applicant answered "yes" to questions "Have you provided services as a broker in the State of NH since your NH license ceased to be valid" attach a detailed explanation including dates services were provided;

~~[(2)](5)~~ For all **broker** applicants, the applicant's attestation after the following statement:

~~["Applies to Principal Brokers Only—As a principal broker, pursuant to RSA 331-A:13, V, I hereby give permission to the Real Estate Commission to audit the escrow account or accounts. I attest that I have read the foregoing statement and affixed my signature below:"]~~

"I have read and understand the provisions of New Hampshire revised statutes RSA 331-A and the New Hampshire Real Estate administrative rules, Rea 100 through 700. I attest that the information contained in this form is true and correct to the best of my knowledge and belief and I further acknowledge that the provision of materially false information in the application knowingly provided is a basis for denial and if it is discovered after the license is issued, is a basis for disciplinary action by the [board] **commission.**"

~~[(3)](6)~~ If the applicant is a principal broker, the applicant's signature after the following certification:

"As a principal broker, pursuant to RSA 331-A:13, V, I hereby give permission to the Real Estate Commission to audit the escrow account or accounts. I attest that I have read the forgoing statement and affixed my signature below:"

~~[(4)](7)~~ If the applicant is a principal broker or managing broker, a copy of a surety bond in the sum of not less than \$25,000 to run concurrently with the dates of licensure, executed by the applicant and by a surety company authorized to do business in the state of New Hampshire.

(b) Applicants seeking renewal as an associate or managing broker under (a) above or as a salesperson under (c) below shall have their principal broker complete and submit the appropriate sections of the ~~[relevant form]~~ **“Real Estate Commission Salesperson, Associate, and Managing Broker Affiliation Form” revised 7/2022**, indicated by principal broker’s signature after the following statement:

“Upon receipt of the license herein applied for, the above named applicant will be employed by me or will otherwise be under contract with me to perform services as a real estate licensee, and will work under my supervision. I will display ~~[his/her]~~ **the salesperson, associate, or managing broker’s** license prominently at my place of business, and when ~~[he/she]~~ **the salesperson, associate, or managing broker’s** leaves my employ I will notify the New Hampshire Real Estate Commission within 5 days, as required by RSA 331-A:17, IV.”

(c) Applicants for renewal of a salesperson’s license shall complete and submit a “Real Estate Commission Salesperson Renewal Form” revised ~~[6]~~7/2022 and include the following:

(1) The fee pursuant to Rea 301.02;

Edit. "to the question"

~~[(4)](2)~~ If the applicant answered ~~“yes”~~ to ~~[questions 1, 2 and 5 on the “Real Estate Commission Salesperson Renewal Form” described in (c) above a separate document attached to the application providing the full details and an explanation of that “yes” answer; and]~~ **“Have you, since your last original or renewal application, been convicted of a felony or misdemeanor offense that has not been annulled by a court?” the applicant shall provide the commission with a detailed explanation of the circumstances surrounding each incident including the name of the court(s), the details of the offense(s), the date of conviction(s), and the sentence(s) imposed;**

(3) If the applicant answered “yes” to “Have any licenses, which you have held, been subject to disciplinary action in any state since your last original or renewal application?” the applicant shall attach a letter of explanation disclosing which jurisdiction(s), details of offense(s), and details of disciplinary action(s);

(4) If the applicant answered “yes” to “Have you provided services as a salesperson in the State of NH since your NH license ceased to be valid?” attached a detailed explanation including dates services were provided;

~~[(2)](5)~~ The applicant’s attestation after the following statement:

“I have read and understand the provisions of New Hampshire revised statutes, RSA 331-A and the Real Estate Commission administrative rules, Rea 100 through 700. I attest that the information contained in this form is true and correct to the best of my knowledge and belief and I further acknowledge that the provision of materially false information in the application knowingly provided is a basis for denial and if it is discovered after the license is issued, is a basis for disciplinary action by the Commission.”

(6) The principal broker shall sign and date below the following attestation:

“Upon receipt of the license herein applied for, the above named applicant will be employed by me or will otherwise be under contract with me to perform services as a real estate licensee, and will work under my supervision. I will display the salesperson’s license prominently at my place of business, and when the salesperson leaves my employ I will notify the New Hampshire Real Estate Commission within 5 days, as required by RSA 331-A:17.”

(d) The forms described in (a) and (b) above may be accessed at <http://www.app-support.nh.gov/licensing>.

(e) All broker and salesperson renewal applicants shall complete continuing education requirements pursuant to Rea 403.01.

(f) ~~[Each licensee who is applying to have her or his]~~ **All licensees applying to have their** license renewed shall submit a continuing education certificate pursuant to RSA 331-A:19, containing the following:

- (1) Name, address, license number, and signature of renewal applicant;
- (2) Name and location of continuing education program;
- (3) Date and number of credit hours obtained; and
- (4) Name of program instructor.

(g) ~~[P]~~ **All principal brokers, [and] managing brokers, and salesperson renewal** applicants shall submit to the commission a surety bond in the sum of not less than \$25,000 to run concurrently with the dates of licensure, executed by the applicant and by a surety company authorized to do business in the state of New Hampshire.

(h) All applicants for renewal of a broker license as a firm shall complete and submit a “Real Estate Commission Firm Renewal Form”, revised ~~[6]~~7/2022, and include the **fee required pursuant to Rea 301.02 and the** firm’s certificate of good standing from the secretary of state. If the applicant is a non-resident, the applicant shall include a signed “Real Estate Commission Irrevocable Uniform Consent to Service of Process” dated ~~[6]~~7/2022, as required by RSA 331-A:22, II and sign the form after the following statement~~[-]~~:

“The undersigned applicant for licensure as a broker, salesperson or broker firm in New Hampshire (Print Name of Person or Brokerage Firm) does hereby irrevocably consent, stipulate and agree that suits, actions and administrative proceedings may be commenced against such applicant in the courts and agencies of this State, by the service of any process authorized by the laws of this State on the Executive Director of the New Hampshire Office of Professional Licensure and Certification and that service of such process upon said Executive Director shall be taken and held in all courts to be as valid and binding as if the service had been made upon said applicant in the State of New Hampshire.

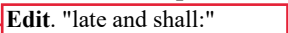
I, (Name of Applicant – individual, entity, or Brokerage firm), am authorized to act on behalf of the Applicant, *(if an entity or brokerage firm)*, and agree that notice of service of process on the Executive Director of the New Hampshire Office of Professional Licensing & Certification (“OPLC”), shall be sent to, (check one), me as the Applicant -OR- (name of person responsible for service upon the entity or Brokerage firm) at the current address and/or email address on file

with the OPLC.”

(i) All applicants for renewal of a broker license as a firm branch shall complete and submit a “Real Estate Commission Firm Branch Renewal Form”, revised [6]7/2022 and [attach] **include the fee required pursuant to Rea 301.02 and the** firm’s certificate of good standing from the secretary of state. If the applicant is a non-resident, the applicant must include on the application a signed “Real Estate Commission Irrevocable Uniform Consent to Service of Process” dated [6]7/2022, as required by RSA 331-A:22, II.

Readopt with amendment Rea 401.02, effective 1/23/2020 (Document #12977-B), to read as follows:

Rea 401.02 Renewals of Late or Lapsed License.

(a) All broker and salesperson renewal applicants who submit a completed renewal form up to 6 months after expiration shall be considered late; and 

(1) Pay the regular renewal fee **described in Rea 301.02**[³] and;

(2) Provide copies of certificates showing completion of 9 hours of continuing education courses accredited by the commission pursuant to Rea 302, in addition to the credits claimed for renewal. The credit hours used towards late renewal shall not be used on any future renewals or used as credits towards future licenses.

(b) All broker and salesperson renewal applicants who submit a renewal form after [~~six~~] 6 months from expiration, but before 12 months from expiration, shall be considered lapsed and:

(1) Submit a renewal form described in Rea 401.01, renewal fee **described in Rea 301.02**, and all required documents;

(2) Provide a certificate of completion of a 40 hour pre licensing course described in Rea 302.04(g);

(3) Submit a written document explaining why the applicant believes the period of time for lapse and the good cause meets the requirements of RSA 331-A:18, II. For purposes of this section, good cause shall include serious accident, illness, or other circumstances beyond the control of the applicant; and

(4) The commission or designee shall grant the request to renew a lapsed license if the licensee meets the requirements of RSA 331-A:18, II.

(c) All broker and salesperson renewal applicants who submit a renewal form 12 months or later from expiration shall be considered an original applicant and shall be required to complete all education, examination, and application requirements pursuant to Rea 301.01 and Rea 301.03.

Readopt with amendment Rea 403.01, effective 1/23/2020 (Document #12977-B), to read as follows:

Rea 403.01 Continuing Education Requirements.

(a) All active and inactive renewal applicants shall complete a minimum 3-hour continuing education core course that has been accredited by the commission pursuant to Rea 302.01.

(b) All renewal applicants whose licenses are on active status, and inactive licensees who are applying to have their licenses placed on active status, shall complete an additional 12 hours of continuing education elective courses accredited by the commission pursuant to Rea 302.01.

(c) A salesperson renewal applicant as defined in Rea 403.01(b), who is applying for ~~[his or her]~~ **their** first renewal or amending an inactive license to an active status for the first time, shall complete post-licensing continuing education courses as designated by the commission to meet the applicant's 12 hours of continuing education elective courses in addition to the core course.

(d) The 12 hours of post-licensing continuing education in Rea 403.01(b) shall consist of accredited courses from one each of four approved post-licensing course topics and may include one or more additional accredited courses from approved optional post-licensing course topics.

(e) An additional 3-hour core course may be submitted as elective course hours to fulfill the requirement of (b) above by renewal applicants whose licenses are on active status and not applying for their first renewal, and inactive licensees who are applying to have their licenses placed on active status.

(f) All applicants, when submitting an application for renewal of a broker or salesperson license prior to the expiration date of the license, shall have completed the continuing education required in (a) and (b) above within the current 2-year license period.

(g) All courses submitted to fulfill the requirements of (a) through (e) above shall have different course numbers.

(h) All applicants, when submitting an application for renewal of a broker or salesperson license after the expiration date of the license, shall have completed the continuing education required in (a) and (b) above within the prior 2-year license period, but no later than the late renewal period allowed under RSA 331-A:18.

Readopt with amendment Rea 403.02, effective 1/23/2020 (Document #12977-B), to read as follows:

Rea 403.02 Continuing Education Documentation and Audits.

(a) All active and inactive renewal applicants shall retain verification records for a period of at least 4 years.

(b) Continuing education documentation shall be made available to the commission for random audit and verification purposes.

(c) Documentation shall support continuing education hours claimed.

(d) Failure to provide documentation for audit verification shall result in disciplinary action pursuant to Rea 200.

(e) Not less than 5% of the licensees shall be randomly selected each year by the commission for compliance with the continuing education requirements outlined in Rea 403.01 and (a) through (d) above.

Readopt with amendment Rea 404.02, effective 1/23/2020 (Document #12977-B), to read as follows:

Rea 404.02 Amendments.

(a) Each licensee and firm shall at all times keep the commission informed of the licensee's or firm's current resident address, mailing address, email address, contact phone number(s), work location address, legal name, or trade names.

(b) Any such changes in the information listed in (a) above shall be reported, in writing **or electronically**, to the commission no later than 10 days after the change by ~~[completing and submitting one or more of the following forms]:~~

(1) ~~[If the licensee is changing]~~ **Submitting changes to** their residential address, personal phone number, or email address, ~~[they shall submit the new information]~~ by logging into the commission's online portal and entering the updated information;

(2) **Submitting a** "Real Estate Commission Transfer/Activation Form", revised [5]7/2022, ~~[indicated by the principal broker's signature after the following statement]~~ **along with the following:**

Edit. "A completed...Form" and the following:"

a. [and include] **The "Real Estate Commission Transfer/Activation Form" shall be submitted with** the following:

1. The fee pursuant to Rea 301.02;

~~[a.]~~**2.** 12 hours of elective education, if applicable;

~~[b.]~~**3.** An amendment fee in the amount of \$20.00;

~~[c.]~~**4.** For principal and managing brokers evidence of not less than a \$25,000.00 surety bond; and

~~[d.]~~**5.** If the principal broker is changing include the original wall license with the "Real Estate Commission Deactivation of an Active License Form" revised [6]7/2022.

b. A statement followed by the principal broker's signature:

"Upon receipt of the license herein applied for, the above named applicant will be employed by me or will otherwise be under contract with me to perform services as a real estate licensee and will work under my supervision. I will display [his/her] **broker or salespersons** license prominently at my place of business, and when [he/she] **the broker or salesperson** leaves my employ I will notify the New Hampshire Real Estate Commission within 5 days, as required by RSA 331-A:17, IV."

(3) **The [P]principal brokers** submitting a "Real Estate Commission Change of Managing Broker of Branch Office Form," revised [6]7/2022 shall submit the following with the form:

a. The original firm wall license;

- b. An amendment fee in the amount of \$20.00; and
- c. The original wall license and pocket card of both the old and new managing broker. If the wall license or pocket card is not available, the individual shall submit an explanation as to its unavailability;

(4) Individuals submitting the “Real Estate Commission Change of Principal Broker of Firm, Firm Branch, or Trade Name,” revised [5]7/2022 shall submit the following with the form:

- a. The original firm wall license;
- b. An amendment fee in the amount of \$20.00; and
- c. The original wall license and pocket card of both the old and new managing broker. If the wall license or pocket card is not available, the principal brokers shall submit an explanation as to its unavailability;

(5) Principal brokers submitting the “Real Estate Commission Deactivation of an Active License Form” revised [6]7/2022 shall **check the box next to the statement “I am giving my permission for my personal address and email to be released as part of public records request.”** and submit with the form the licensee’s original wall license and pocket card. If the wall license or pocket card is not available, the principal broker shall submit an explanation as to its unavailability;

(6) Individuals submitting the “Real Estate Commission Change of Broker Status Form” revised [6]7/2022 shall submit the following along with the form:

- a. If there is a change from a broker license type to another, the individual’s wall license and pocket card;
- b. For principal and managing brokers, proof of a surety bond in the sum of not less than \$25,000 to run concurrently with the dates of licensure, executed by the individual and by a surety company authorized to do business in the state of New Hampshire; and
- c. The “Real Estate Commission Transfer/Activation Form” revised [6]7/2022.

(c) Whenever a [licensee] **salesperson, associate, or managing broker** changes [~~his or her~~] **their** affiliation from one principal broker to another, or ceases to represent a principal broker, the principal broker shall notify the commission, in writing, no later than 5 business days after the change along with the appropriate form described in (b) above.

(d) The fee described in Rea 301.02(c) shall be submitted for any changes listed in (a) through (c) above that require the salesperson, broker, firm, or firm branch license to be amended.

(e) Should a broker or salesperson change [~~her or his~~] **their** status to nonresident broker or salesperson, she or he shall file an “Real Estate Commission Irrevocable Uniform Consent to Service of Process” dated 5/2022 authorizing the commission to act as specified in RSA 331-A:22.

APPENDIX

Rule	Specific State Statute the Rule Implements
Rea 401.01	RSA 331-A:12-a; 14; 19; 22; 25, XIII
Rea 401.02	RSA 331-A:19; 25, XIII
Rea 403.01	RSA 331-A:12-a; 19; 20; 25, IX
Rea 403.02	RSA 331-A:25, V, IX; RSA 541-A:16, I(b)
Rea 404.02	RSA 331-A:17; 25, I