

APA-1  
11/96

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 790 Department or Agency Alabama Real Estate Commission

Alabama Rule No. 790-X-1-.03

Rule Title: License Requirements

         New   X   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

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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.

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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 Reference Service.

Signature of certifying officer *Patrick Anderson*

Date 4-20-17

DATE FILED  
(STAMP)

ALABAMA REAL ESTATE APPRAISERS BOARD  
100 N. Union Street, Suite 370  
Montgomery, Alabama 36104

April 4, 2017

Notice of Intended Action

Rule No. & Title: 780-X-4-.08 Miscellaneous Fees

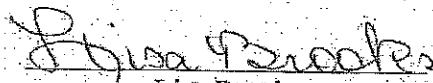
Intended Action: Amendment

Substance of Amendment: To add to the List of Miscellaneous Fees the \$50.00 charge for printing classroom handout material that will be charged by the Board for the new Continuing Education Course developed and to be taught by the Board.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may submit their views regarding the proposed amended rule orally or in writing to the Alabama Real Estate Appraisers Board, P.O. Box 304355, Montgomery, Alabama 36130-4355; 334-242-8747 no later than 10:00 A.M. on July 19, 2017. A public hearing will be held on July 20, 2017 at 9:30 A.M., 100 N. Union St., Third Floor conference room, RSA Union Building, Montgomery, Alabama, 36104.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written or oral comments concerning this change must be received by the Alabama Real Estate Appraisers Board no later than July 20, 2017 at 9:00 A.M., P.O. Box 304355, Montgomery, Alabama, 36130-4355 or 100 North Union Street, Suite 370, Montgomery, AL 36104 or 334-242-8747.

CONTACT PERSON AT AGENCY: Neva C. Conway  
Assistant Attorney General

  
Lisa Brooks

## Rule 790-X-1-.03 License Requirements

(1) Rental, leasing, and/or property management services for Alabama real estate licensees include but are not limited to:

(a) Rent or lease real estate situated within the State of Alabama.

(b) Offer to rent or lease real estate situated within the State of Alabama.

(c) Negotiate or attempt to negotiate the rental, or leasing of real estate situated within the State of Alabama.

(d) List or offer or attempt or agree to list real estate for rental or lease situated within the State of Alabama.

(e) Aid, attempt, offer to aid in locating, or obtaining for rent, or lease any real estate situated within the State of Alabama.

(f) Procure or assist in procuring of prospects for the purpose of effecting the lease, or rental of real estate situated within the State of Alabama.

(g) Procure or assist in the procuring of properties for the purpose of effecting the lease, or rental of real estate situated within the State of Alabama.

(h) Collection and escrow of security deposits, and collection and escrow of rental payments for properties situated within the State of Alabama.

(i) Coordinate physical maintenance and repairs for real property expected to be or under rental or lease management agreement with an Alabama real estate licensee, and situated within the State of Alabama.

~~(1)~~ (2) Code of Ala. 1975, § 34-27-2(b)(1), exempts owners of real property from the licensing requirements of Articles 1 and 2 of Chapter 27 when managing his own property or consummating a real estate transaction involving his own property. As used in Code of Ala. 1975, § 34-27-2(b)(1), the term "owner" is defined as the individual owner himself, or in the case of a corporation or partnership, a partner or corporate officer, who has authority to and does make management decisions affecting the overall policy of the corporation or partnership.

~~(2)~~ (3) Any person who elects to become licensed as a broker or salesman may advertise property of which he is the owner in the same way as any private party. However, such a licensee must abide by all of the other provisions of the law and the rules promulgated by the Commission in any and all real estate transactions in which he may be involved, whether the subject property is his own, the property of his spouse, child, parent, or is the property of a member of the public. If a person licensed as a broker or salesman chooses to advertise his own property as if he is a licensed broker or salesman, then all such advertising as well as all other activities involving such property must be conducted strictly in accordance with Chapter 27 of Title 34, *Code of Ala. 1975*, and the rules promulgated by the Alabama Real Estate Commission.

~~(3)~~ (4) *Code of Ala. 1975*, § 34-27-30(5), requires that one who auctions, or offers or attempts or agrees to auction real estate must be licensed under Articles 1 and 2. Persons commonly referred to as "ground men" are not required to be licensed, provided their activities shall be limited to relaying crowd participation bids to the auctioneer.

**Author:** ~~Ronald Forehand~~ Alabama Real Estate Commission

**Statutory Authority:** *Code of Ala. 1975*, §§ 34-27-2, 34-27-8, 34-27-30, 34-27-81.

**History:** Filed September 30, 1982. **Amended:** Filed August 15, 1985.