

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 790 Department or Agency Alabama Real Estate Commission
Rule No. 790-X-2-04
Rule Title: Additional Broker License
 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 *Patricia Anderson*

Date June 18, 2018

(DATE FILED)
(STAMP)

ALABAMA REAL ESTATE COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Real Estate Commission

RULE NO. & TITLE: Rule 790-X-2-.04
Additional Broker License


INTENDED ACTION: Amend Rule

SUBSTANCE OF PROPOSED ACTION: The proposed amendment inserts “qualifying” before broker for clarity. A copy of the proposed rule 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 July 26, 2018 at the Alabama Real Estate Commission located at 1201 Carmichael Way, Montgomery, Alabama. Additionally, written comments may be addressed to Patricia Anderson, 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 August 3, 2018.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
August 3, 2018

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


Patricia Anderson
Executive Director

790-X-2-.04 Additional Broker License.

(1) A qualifying broker doing business in the name of a corporation or partnership and who also desires to do business as a sole proprietorship or for another corporation or partnership located at the same address must obtain and submit to the Commission a letter of consent from all officers of the corporation, or partners of the partnership.

(2) A corporation, partnership, or sole proprietorship may grant permission for its qualifying broker to be qualifying broker for another corporation, partnership or sole proprietorship doing business in the same location. Any licensee licensed under a broker who serves as qualifying broker for more than one corporation, partnership or sole proprietorship operating from the same address may operate under either corporation, partnership or sole proprietorship sharing the same qualifying broker.

(3) A qualifying broker for a real estate company may serve as an associate broker for another real estate company at the same location.

(4) A broker may serve as a qualifying broker for a real estate company and a vacation timesharing plan provided that both are located at the same address.

(5) A broker shall hold a separate license for each firm which he represents as a qualifying broker.

Author: ~~Patricia Anderson~~ Alabama Real Estate Commission

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

History: Filed September 30, 1982. **Amended:** Filed November 21, 1983; December 18, 1984; March 28, 1985; August 7, 1992.

Amended: Filed _____; Effective _____.