

DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
REAL ESTATE COMMISSION
4CCR 725-1

NOTICE OF PROPOSED RULEMAKING HEARING
December 6, 2011

RULE B. CONTINUING EDUCATION

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S. as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Colorado Real Estate Commission (the "Commission") to promulgate rules, or to amend, repeal or repeal and re-enact the present rules of the Commission.

STATEMENT OF BASIS

The statutory basis for the rules titled Rules of the Colorado Real Estate Commission is Part 1 of Title 12, Article 61, Colorado Revised Statutes, as amended.

STATEMENT OF PURPOSE

The purpose of this rule is to effectuate the legislative directive to promulgate necessary and appropriate rules in conformity with the state statutes of the real estate practice act.

SPECIFIC PURPOSE OF THIS RULEMAKING

The specific purpose of this rule is to amend or repeal existing rules with respect to requirements for continuing education for real estate brokers.

Proposed New, Amended and Repealed Rules

Rule B. Continuing Education

B-1. When continuing education is required.

~~The Commission has determined that the license renewal process can be made more efficient by apportioning license renewals throughout the entire calendar year.~~

- ~~(a) Calendar year renewal period. Historically, licenses have been renewed for three-year periods commencing on January 1 of year one and expiring on December 31 of year three (e.g. January 1, 2003 through December 31, 2005). This is the "calendar year renewal period".~~
- ~~(B) Transition renewal period and partial year. The Commission shall renew a license expiring on December 31, 2005 or 2006 or 2007, for a period of time equal to two years plus the number of days until the broker's initial date of issuance anniversary date (or another date assigned by the Commission), the "anniversary date". For example, if a license expires on December 31, 2005, and the broker's initial date of issuance anniversary date is July 15, then the Commission shall issue a license for the period of January 1, 2006 through July 15, 2008. The less than three-year renewal period (e.g. January 1, 2006 through July 15, 2008) is called the "transition renewal period". The less than one-year period from January 1 until the initial date of issue anniversary date (e.g. January 1, 2008 through July 15, 2008) is called a "partial year".~~
- ~~(c) Anniversary date renewal period. After the transition renewal period, all subsequent license renewals shall be for a full three-year period called the "anniversary date renewal~~

~~period". This period shall commence on the broker's initial date of issuance anniversary date (e.g. July 15, 2008) and expire three years later on the broker's initial date of issuance anniversary date (e.g. July 15, 2011).~~

~~(d) Anniversary year. During the anniversary date renewal period, the one-year period of time between the broker's initial date of issuance anniversary date and the next anniversary date is an "anniversary year". There are three anniversary years in each anniversary date renewal period.~~

The Commission has determined that the license renewal process can be made more efficient by apportioning license renewals throughout the entire calendar year. Brokers must satisfy the continuing education requirements prior to applying to renew an active license, to activate an inactive license or to reinstate an expired license to active status. All license renewals shall be for a full three-year period called the "anniversary date renewal period". This period shall commence on the broker's initial date of issuance, i.e. the anniversary date, and expire three years later on the broker's anniversary date.

B-3. Annual Commission Update course standards.

- ~~(a) Pursuant to 12-61-110.5 (2), C.R.S. and Rule B-2 (a), the 4-hour "Annual Commission Update" course shall be developed and presented by the Division of Real Estate and furnished without charge to approved providers. Said course shall be presented without additional development by the provider or instructor.~~
- ~~(b) Any provider specified in commission rule B-6 (a) may request and offer the "Annual Commission Update" course. All other providers must apply annually for approval to offer the course using the commission-approved form and procedures in commission rule B-12, except that the course outline (B-12 (a)) and course exam (B-12 (b)) will be furnished by the Commission.~~
- ~~(c) Each active licensed broker must complete the "Annual Commission Update" course by achieving a passing score of 70% on a written or on-line course examination developed by the Commission. The Commission shall provide multiple course examinations for successive use by licensed brokers failing the end-of-course examination.~~
- (a) Pursuant to 12-61-110.5(2), C.R.S. and Rule B-2(a), the 4-hour "Annual Commission Update" course shall be developed and presented by the Division of Real Estate and furnished to approved providers. Said course shall be presented without additional development by the provider or instructor.
- (b) Any provider specified in commission rule B-6(a) or B-7(a) may request and offer the "Annual Commission Update" course. All other providers must apply annually for approval to offer the course using the commission-approved form and procedures in commission rule B-12, except that the course outline (B-12(a)) and course exam (B-12(b)) will be furnished by the Commission.
- (c) Each active licensed broker must complete the "Annual Commission Update" course by achieving a passing score of 70% on a written or on-line course examination developed by the Commission. The Commission shall provide multiple course examinations for successive use by licensed brokers failing the end-of-course examination.

B-8. Administrative rules for continuing education courses.

~~The following course format and administrative requirements apply to all Colorado continuing real estate education for licensed brokers:~~

- ~~(a) Courses must be at least 1 hour in length, containing at least 50 instructional minutes.~~
- ~~(b) A maximum of 8 hours of credit may be earned per day.~~
- ~~(c) No course may be repeated for credit in the same calendar year.~~
- ~~(d) Instructors may receive credit for classroom teaching hours once per course taught per year.~~
- ~~(e) Hours in excess of 24 may not be carried forward to satisfy a subsequent renewal requirement.~~
- ~~(f) No school/provider may waive, excuse completion of, or award partial credit for the full number of course hours.~~
- ~~(g) No challenge exam or equivalency may substitute for the full course outline.~~
- ~~(h) No credit may be earned for remedial education stipulated to between a licensed broker and the Commission as part of a disciplinary action or alternative to disciplinary action.~~

~~(i) No course offering by a provider will be accepted unless the provider has either been granted a certificate of approval by the Colorado Department of Higher Education, Division of Private Occupational Schools, or is exempt from such requirement pursuant to C.R.S. 12-59-104.~~

The following course format and administrative requirements apply to all Colorado continuing real estate education for licensed brokers:

- (a) Courses must be at least 1 hour in length, containing at least 50 instructional minutes.
- (b) A maximum of 8 hours of credit may be earned per day.
- (c) No course may be repeated for credit in the same calendar year.
- (d) Instructors may receive credit for classroom teaching hours once per course taught per year.
- (e) Hours in excess of 24 may not be carried forward to satisfy a subsequent renewal requirement.
- (f) No school/provider may waive, excuse completion of, or award partial credit for the full number of course hours.
- (g) No challenge exam or equivalency may substitute for the full course outline.
- (h) No credit may be earned for remedial education stipulated to between a licensed broker and the Commission as part of a disciplinary action, or alternative to disciplinary action.
- (i) No course offering by a provider will be accepted unless the provider has either been granted a certificate of approval by the Colorado Department of Higher Education, Division of Private Occupational Schools, or is exempt from such requirement pursuant to 12-59-104, C.R.S.
- (j) Courses approved for continuing education must maintain and improve a broker's skill, knowledge, and competency in real estate practice.

B-11. Provider must retain records.

~~Each approved provider must retain copies of course outlines or syllabi and complete records of attendance for a period of four (4) years.~~

Each approved provider must retain copies of course outlines or syllabi and complete records of attendance for a period of four (4) years, and provide the records to the Commission upon request.

A hearing on the above subject matter will be held on Tuesday, December 6, 2011, at the Colorado Division of Real Estate, 1560 Broadway, Suite 1250C, Denver, Colorado 80202 beginning at 9:00 a.m.

Any interested person may participate in the rule making through submission of written data, views and arguments to the Division of Real Estate. Persons are requested to submit data, views and arguments to the Division of Real Estate in writing no less than ten (10) days prior to the hearing date and time set forth above. However, all data, views and arguments submitted prior to or at the rulemaking hearing or prior to the closure of the rulemaking record (if different from the date and time of hearing), shall be considered.

Please be advised that the rule being considered is subject to further changes and modifications after public comment and formal hearing.