

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

**RULES GOVERNING THE PRACTICE OF REAL ESTATE BROKERS OF THE REAL ESTATE COMMISSION**

**NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING**  
December 1, 2020 at 9:00 AM MST

Division of Real Estate Office  
1560 Broadway  
Denver, CO 80202

**VIRTUAL MEETING REGISTRATION LINK:**

<https://attendee.gotowebinar.com/register/2611795720775573260>

Pursuant to and in compliance with Title 12, Article 10 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.

Due to the State's COVID-19 response, the hearing more than likely will only be conducted in a virtual setting. All interested parties are urged to attend this public hearing by registering for the webinar on the Division's website at [www.dora.colorado.gov/dre](http://www.dora.colorado.gov/dre) and to submit written comments concerning the proposed amended rules in advance if possible for consideration.

In order to facilitate the review of comments by the Board, all interested parties are strongly encouraged to submit their written comments to Eric Turner via email at [eric.turner@state.co.us](mailto:eric.turner@state.co.us) on or before 5:00 p.m. on November 20, 2020. Any written comments not received by November 20, 2020 may be submitted via public testimony at the hearing on December 1, 2020.

**STATEMENT OF BASIS**

The statutory basis for the rules titled Rules of the Colorado Real Estate Commission is Part 2 of Title 12, Article 10, Colorado Revised Statutes, as amended. The specific authority under which the Commission shall establish these rules is set forth in sections 12-10-219(4) and 12-10-220, C.R.S.

**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 a Broker renewing or reinstating a license. Beginning on January 1, 2018 the division began transitioning license cycles over from an anniversary date to a calendar renewal date ending December 31 of year three of the license. As the transition period will be completed on December 31, 2020, the reinstatement rules are being modified to clarify that a broker reinstating a license will be issued a three-year license

beginning from the date of expiration on the prior expired licensed date to maintain the calendar expiration date of December 31.

## PROPOSED NEW, AMENDED AND REPEALED RULES

Deleted material shown ~~struck through~~; new material is indicated by underline. Rules, or portions of rules, which are unaffected are reproduced. Readers are advised to obtain a copy of the complete rules of the Commission at [www.dora.colorado.gov/dre](http://www.dora.colorado.gov/dre).

### Proposed New, Amended and Repealed Rules

#### Chapter 3: Licensure, Renewal, License Status, and Insurance

##### 3.11. Renewal

###### A. No Renewal Requirement for Brokerage Firms

Brokerage Firms are not required to renew their License; however, the Independent Broker or Employing Broker associated with the Brokerage Firm must renew as set forth in Rule 3.11.B.

###### B. Renewal Requirements for Brokers

###### 1. Licensing Cycle for Renewal (Renewal Periods)

~~Brokers will renew a License on a Calendar Year Cycle commencing on January 1 of year one and expiring on December 31 of year three.~~

###### a. ~~Initial Licenses Issued on or after January 1, 2018~~

~~Brokers who were issued an Initial License on or after January 1, 2018 will renew a License on a Calendar Year Cycle commencing on January 1 of year one and expiring on December 31 of year three.~~

###### b. ~~Initial Licenses Issued Prior to January 1, 2018~~

~~For Brokers who were issued an Initial License prior to January 1, 2018, the Commission will renew a License expiring on the anniversary date in the years of 2018, 2019, or 2020, for a period of time equal to two years plus the remaining days in the third year to reach December 31. Thereafter, Brokers will renew a License on a Calendar Year Cycle commencing on January 1 of year one and expiring on December 31 of year three.~~

###### 2. Notification of Renewal

Notification that a License will expire, unless renewed, will be sent to the electronic mail address on file with the Commission.

###### 3. Renewal Application

- a. All Brokers, whether on Active or Inactive status, may renew their License beginning forty-five (45) days prior to the expiration date of their License by use of the renewal application form provided by the Commission.

- b. Pay the renewal Fee.
- c. Any Broker who has not submitted fingerprints to the Colorado Bureau of Investigation to be used to complete a one-time only criminal history record check must do so prior to renewal of an Active License. Fingerprints must be submitted to the Colorado Bureau of Investigation for processing in a manner acceptable to the Colorado Bureau of Investigation. Fingerprints must be readable and all personal identification data completed in a manner satisfactory to the Colorado Bureau of Investigation. The Commission may, however, acquire a name-based criminal history record check for an Applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable. The renewed License will remain on Inactive status until the Commission has received and reviewed the results of a criminal record check.

3.15. ~~Transition Period~~ License Reinstatement

~~For~~ Brokers who failed to renew a License as set forth in Rule 3.11.B.3. that was initially issued prior to January 1, 2018 may Reinstatement the Expired License as follows:

- A. If a proper application is made within thirty-one (31) days after the date of expiration of a License, by payment of the renewal Fee, the License will be issued as set forth in Rule 3.11.B.3.
- B. If a proper application is made more than thirty-one (31) days but within one (1) year after the date of expiration of a License, by payment of the renewal Fee and payment of a reinstatement Fee equal to one-half (1/2) the renewal Fee, the reinstated License will be issued with an expiration date of three (3) years beginning from the expiration date of the prior expired License.~~the License will be issued with an expiration date of December 31 of the year of issuance. Thereafter, a Broker will renew a License on a Calendar Year Cycle commencing on January 1 of year one and expiring on December 31 of year three.~~
- C. If a proper application is made more than one (1) year but within three (3) years after the date of expiration of a License, by payment of the renewal Fee and payment of a reinstatement Fee equal to the renewal Fee, the reinstated License will be issued with an expiration date of three (3) years beginning from the expiration date of the prior expired License.~~the License will be issued with an expiration date of December 31 of the year of issuance. Thereafter, a Broker will renew a License on a Calendar Year Cycle commencing on January 1 of year one and expiring on December 31 of year three.~~

A hearing on the above subject matter will be held on Tuesday, December 1, 2020 at the Colorado Division of Real Estate, 1560 Broadway, Colorado 80202 beginning at 9:00 a.m. Also, the virtual webinar of the meeting may be accessed at the following link:

<https://attendee.gotowebinar.com/register/2611795720775573260>

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.