

## **CHAPTER 70-02-04 CONTINUING EDUCATION**

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### **70-02-04-01. Continuing education defined.**

As used in this chapter, continuing education, unless the context otherwise requires, means education in areas related to real estate, which has been approved by the commission, to maintain and improve the professional skills and upgrade the standard of all real estate licensees, and to qualify for license activation and renewal.

The commission considers courses in the following areas to be acceptable, but not limited to, when considering approval:

1. Real estate ethics;
2. Legislative issues that influence real estate practice;
3. The administration of licensing provisions of real estate law and the rules, including compliance and regulatory practices;
4. Real estate financing, including mortgages and other financing techniques;
5. Real estate market measurement and evaluation, including site evaluations, market data, and feasibility studies;
6. Real estate brokerage administration, including office management, trust accounts, and employee contracts;
7. Real property management, including leasing agreements, accounting procedures, and management contracts;
8. Real property exchange;

9. Land use planning and zoning;
10. Real estate securities and syndication;
11. Estate building and portfolio management;
12. Accounting and taxation as applied to real property;
13. Land development;
14. Real estate appraising;
15. Real estate marketing procedures;
16. Marketing business opportunities;
17. Business courses which relate to the practice of real estate;
18. Agency representation; and
19. Contracts.

**History:** Effective August 1, 1981; amended effective May 1, 1986; January 1, 2006; July 1, 2022.

**General Authority:** NDCC 28-32-02, 43-23-08, 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-02. Hours required.**

To qualify for the renewal of a real estate license, each broker or salesperson must complete twelve hours of continuing education in approved courses every continuing education period. The continuing education period is twelve months preceding the renewal application deadline date. The commission may require that a portion or all of the continuing education hours must be in one or more specific areas for salespersons or brokers. Such areas may include the following:

1. Fair housing and antitrust.
2. Environmental issues.
3. License law and ethics.
4. Agency law and principles.
5. Contracts.

**History:** Effective August 1, 1981; amended effective January 1, 1992; October 1, 1993; December 1, 1999; July 1, 2010; October 1, 2015; July 1, 2022.

**General Authority:** NDCC 28-32-02, 43-23-08(6), 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-03. Hour defined.**

An hour of continuing education is fifty minutes. Time spent on breaks does not count toward the fifty-minute hour.

**History:** Effective August 1, 1981; amended effective July 1, 2022.

**General Authority:** NDCC 28-32-02, 43-23-08, 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

#### **70-02-04-04. Exceptions and extensions.**

The commission may make exceptions and grant extensions for continuing education as follows:

1. For reasons of health, military service, or other good cause if adequate proof is provided to the commission; and
2. A nonresident licensee is exempted from the continuing education requirements if the licensee meets the real estate licensing requirements in the state of the licensee's residence.

**History:** Effective August 1, 1981; amended effective July 1, 2022.

**General Authority:** NDCC 28-32-02, 43-23-08, 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

#### **70-02-04-05. Nonqualifying courses.**

The following courses will not be considered as qualifying for continuing education purposes:

1. Courses in general office and business skills, such as report writing.
2. Sales promotion or other meetings held in conjunction with the general business of the licensee's broker.
3. Any course certified by the use of a challenge examination. All students must complete the required number of classroom hours in order to receive credit.

The listing of the above courses does not limit the commission's authority to disapprove any application which fails to meet the standards for course approval.

**History:** Effective August 1, 1981; amended effective January 1, 1992; October 1, 1993; December 1, 1999; January 1, 2006; July 1, 2022.

**General Authority:** NDCC 28-32-02, 43-23-08, 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

#### **70-02-04-06. Criteria for course approval.**

The commission may approve education provided by a course sponsor, such as the commission, a public or private school, organization, association, person, corporation, society, or similar organization. The commission, when acting on an application for approval of a course, will consider the following criteria:

1. Courses will be eligible for approval only if the total instruction time is two hours or more.
2. A course sponsor shall certify to the best of its knowledge the attendance of each student at the offering. The course sponsor's criteria for measuring attendance shall be submitted in the application for course approval.
3. The course sponsor shall maintain, for a minimum of three years, records of students successfully completing any course.
4. Credit is earned based on in-person or virtual attendance or completion of online-only asynchronous courses.
5. Each course shall have a coordinator supervising the program.
6. All instructors in a real estate course shall complete and submit an instructor application for each course before teaching the course. Instructors must meet at least one of the following qualifications:

- a. A bachelor's degree in the field in which the person is to teach.
- b. A valid teaching credential or certificate from North Dakota or another state authorizing the holder to teach in the field of instruction being offered.
- c. Five years' full-time experience in a profession, trade, or technical occupation in the applicable field.
- d. Any combination of at least five years of full-time applicable field and college level education.

**History:** Effective August 1, 1981; amended effective October 1, 1993; July 1, 2022.

**General Authority:** NDCC 28-32-02, 43-23-08, 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

#### **70-02-04-07. Application for approval of courses.**

A course sponsor shall apply for approval of courses in a form prescribed by the commission. The application form shall include:

1. The name, address, telephone number, and website of the course sponsor.
2. The name and electronic mail address of the course coordinator.
3. The title of the course.
4. A description, copies, or examples of all materials to be distributed to the participants.
5. The date and exact location of the course.
6. The duration and time of course.
7. A comprehensive, detailed outline of the subject matter together with the time sequence of each segment, faculty for each segment, and teaching technique used in each segment.
8. A sample of any proposed advertising used for promotional purposes.
9. The method of evaluation of the program.
10. The procedure for measuring attendance.
11. An instructor application for each instructor.
12. A fee not to exceed one hundred dollars per course.

**History:** Effective August 1, 1981; amended effective July 1, 2022.

**General Authority:** NDCC 28-32-02, 43-23-08, 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

#### **70-02-04-08. Filing deadline for course approvals.**

Application for course approvals must be filed thirty days preceding the proposed public offering.

**History:** Effective August 1, 1981.

**General Authority:** NDCC 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

#### **70-02-04-09. Application for post course approval.**

A course sponsor may seek approval of a course subsequent to a course offering by submitting all information requested on the commission's application forms.

**History:** Effective August 1, 1981; amended effective July 1, 2022.

**General Authority:** NDCC 28-32-02, 43-23-08, 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

#### **70-02-04-10. Material change.**

The course coordinator or instructor of each approved real estate offering shall promptly notify the commission of any material changes contained in the application for approval or attached exhibits. Changes shall be deemed acceptable to the commission if no action has been taken after fourteen days from the date received by the commission.

**History:** Effective August 1, 1981; amended effective July 1, 2022.

**General Authority:** NDCC 28-32-02, 43-23-08, 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

#### **70-02-04-11. Suspension, revocation, or denial of course approval.**

The commission may deny, suspend, or revoke approval of a real estate course, coordinator, or instructor if it is determined that it is not in compliance with the statute or rules and regulations. If disciplinary action is taken a written order of suspension, revocation, or denial of approval will be issued.

**History:** Effective August 1, 1981; amended effective July 1, 2022.

**General Authority:** NDCC 28-32-02, 43-23-08, 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

#### **70-02-04-12. Correspondence programs.**

Repealed effective July 1, 2022.

#### **70-02-04-13. Substantively identical courses.**

Courses may not be taken for continuing education more than once during any continuing education period, unless material has been significantly changed, or updated, or both.

**History:** Effective August 1, 1981; amended effective December 1, 1999; July 1, 2010; July 1, 2022.

**General Authority:** NDCC 28-32-02, 43-23-08(6), 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

#### **70-02-04-14. Maximum hours of accreditation per day.**

Repealed effective July 1, 2022.

#### **70-02-04-15. Exemptions from continuing education requirement.**

Any salesperson who completed the prerequisite ninety hours of course of study to obtain a license is exempt from the continuing education requirement for the first license renewal. Any broker, upon successful completion of the real estate broker licensing examination is exempt from the continuing education requirement for only the continuing education period during which the broker applicant successfully completed said examination.

**History:** Effective August 1, 1981; amended effective January 1, 1992; December 1, 1999; January 1, 2006; July 1, 2010; July 1, 2022.

**General Authority:** NDCC 28-32-02, 43-23-08(6), 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

#### **70-02-04-16. Service as an instructor.**

Instructors who are licensees may request one-hour credit for every hour as an instructor of a unique course, not to exceed fifty percent of the continuing education requirement for any continuation education period and not to replace any mandatory continuing education requirement. Requests for credit must be accompanied by an outline of the instruction and be submitted before a licensee renews their license. The commission may disapprove a request.

**History:** Effective August 1, 1981; amended effective December 1, 1999; July 1, 2010; July 1, 2022.

**General Authority:** NDCC 28-32-02, 43-23-08(6), 43-23-08.2

**Law Implemented:** NDCC 43-23-08, 43-23-08.2

#### **70-02-04-17. Responsibilities of course sponsors.**

In addition to other responsibilities imposed on course sponsors, they must comply with the following:

1. Disclose to prospective participants the prerequisites, course content, and number of continuing education hours in the program.
2. Selection and review of instructors. The program sponsor or coordinator has the obligation for selecting and assigning qualified instructors for the continuing education program. Sponsors are required to evaluate the performance of the instructors at the conclusion of each program to determine their suitability for continuing to serve as instructors in the future.

**History:** Effective August 1, 1981; amended effective July 1, 2022.

**General Authority:** NDCC 28-32-02, 43-23-08, 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

#### **70-02-04-18. Facilities.**

Repealed effective July 1, 2022.

#### **70-02-04-19. Certificate of accreditation.**

A certificate of accreditation shall be granted for each course of study approved by the commission. This certificate shall remain valid for a two-year period at which time the course will be reviewed and, if approved, will continue valid for the next two-year period unless suspended or revoked.

**History:** Effective August 1, 1981; amended effective December 1, 1999.

**General Authority:** NDCC 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

#### **70-02-04-20. Inspections and audits.**

By applying for the commission's approval of any course in real estate, the sponsor or coordinator agrees to permit periodic inspections, audits, and monitoring by the commission or its authorized representative for the purpose of evaluating facilities, course content, instructor performance, or any other relevant aspect of the administration and conduct of such course.

**History:** Effective August 1, 1981; amended effective July 1, 2022.

**General Authority:** NDCC 28-32-02, 43-23-08, 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-21. Continuing education certificate of completion.**

All course sponsors shall provide an individual certificate of completion to each licensee upon completion of the course under the following conditions:

1. No certificate of completion shall be issued to a licensee who is absent for more than ten percent of the classroom hours.
2. The certificate shall contain information as to the licensee's name, course title, course number, date, location of course, number of approved credit hours, and course sponsor or instructor.
3. The licensee shall retain the certificate. The responsibility for recordkeeping will remain with the licensee.
4. The North Dakota real estate commission shall not be required to maintain a list of licensees and their completed courses of education.

**History:** Effective August 1, 1981; amended effective December 1, 1999; January 1, 2006; July 1, 2022.

**General Authority:** NDCC 28-32-02, 43-23-08, 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-22. Online-only asynchronous education courses must be certified and approved.**

1. Courses offered online only and in an asynchronous format must be certified by the association of real estate license law officials, and approved by the commission. The commission may waive the certification by the association of real estate license law officials. A student must complete the distance education course within one year of the date of enrollment.
2. Courses which are presently certified by the association of real estate license law officials must be approved under this rule upon provision of appropriate documentation that the certification by the association of real estate license law officials is in effect and that the course meets the content requirements and any other requirements of the commission. Approval under this subsection must cease immediately if the certification by the association of real estate license law officials is discontinued for any reason.

**History:** Effective December 1, 1999; amended effective July 1, 2022.

**General Authority:** NDCC 28-32-02, 43-23-08, 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-23. Model rule for distance education.**

Repealed effective July 1, 2022.