

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

**Chapter 64. Real Estate Commission.**

12 AAC 64.010 is amended to read:

**12 AAC 64.010. Examination.** (a) A person may apply for the real estate salesperson or broker examination with the commission **approved testing service**. [IF A TESTING SERVICE IS AUTHORIZED BY THE COMMISSION UNDER AS 08.88.191, A PERSON MAY ALSO APPLY FOR THE EXAMINATION WITH THE TESTING SERVICE.]

(b) Deadlines for registration for the examination **are set by the commission approved testing service** [WILL BE PUBLISHED WITH THE REGISTRATION INFORMATION OR WILL BE AVAILABLE FROM THE COMMISSION. DEADLINES FOR REGISTRATION WILL NOT BE LESS THAN THREE DAYS BEFORE THE EXAMINATION].

(c) Registration fees for the [WRITTEN] examination are not refundable.

(d) An applicant for licensure shall pass **an** [A WRITTEN] examination, approved by the commission, before applying for a license as a real estate broker, associate real estate broker, or real estate salesperson. The [WRITTEN] examination consists of a general part and a state part. An applicant must sit for both parts of the [WRITTEN] examination during the same examination session. (Eff. 8/6/67, Register 24; am 8/9/72, Register 43; am 8/22/79, Register 71; am 12/6/81, Register 80; am 7/16/94, Register 131; am 10/27/99, Register 152; am 4/24/2009, Register 190; am \_\_\_/\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.88.051            AS 08.88.081            AS 08.88.191  
                 AS 08.88.071            AS 08.88.171

**Editor's note:** Information regarding the examination described in 12 AAC 64.010 may

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be obtained by **contacting** [WRITING OR CALLING] the commission at Real Estate Commission, 550 W. 7th Avenue, Suite 1500, Anchorage, Alaska, 99501-3567; Phone: (907) 269-**8168** [8162]; FAX: (907) 269-**8156** [8196], **or website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/RealEstateCommission.aspx>**; or **from** the testing service at **Pearson Vue, 5601 Green Valley Drive, Bloomington, MN 55437-1099, Phone: (800) 274-5992, or website at <https://home.pearsonvue.com/>** [PROMISSOR, 3 BALA PLAZA WEST, SUITE 300, BALA CYNWYD, PENNSYLVANIA 19004; PHONE: (800) 274-5992; FAX: (888) 204-6291].

12 AAC 64.040 is amended to read:

**12 AAC 64.040. Admission to examination.** (a) Before the scheduled examination date, an applicant who has registered to sit for the examination will be sent [AN ADMISSION TICKET FROM THE COMMISSION THAT SPECIFIES THE TIME AND PLACE OF THE EXAMINATION. IF A TESTING SERVICE IS AUTHORIZED BY THE COMMISSION UNDER AS 08.88.191, THE APPLICANT WILL BE SENT] a confirmation notice or receive a confirmation number by **electronic mail** [TELEPHONE] from the testing service that specifies the time and place of the examination.

(b) An applicant who has not **pre-registered** [REGISTERED] for the examination by the deadline described in 12 AAC 64.010(b) **may** [WILL] not be admitted to the examination **at the sole discretion of the testing service**. (Eff. 8/6/67, Register 24; am 8/22/79, Register 71; am 7/1/89, Register 110; am 10/8/90, Register 116; am 10/27/99, Register 152; am \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.88.081 AS 08.88.111 AS 08.88.191

12 AAC 64.059(d)(1)(B) is amended to read:

(B) the applicant's date of birth that shows the applicant is at least **22** [21] years old;

12 AAC 64.059(d)(5) is amended to read:

(5) submits a statement, signed by the brokers who employed the applicant, verifying that the applicant has at least **36** [24] months of active and continuous experience as a real estate licensee within the **60** [36] months before the date of application for an associate broker license; and

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(Eff. 2/11/95, Register 133; am 6/2/95, Register 134; am 2/12/99, Register 149; am 9/6/2002, Register 163; am 3/27/2008, Register 185; am 6/22/2008, Register 186; am 5/31/2012, Register 202; am 12/13/2014, Register 212; am 2/21/2019, Register 229; am 8/30/2020, Register 235; am \_\_\_ / \_\_\_ / \_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.88.071 AS 08.88.091 AS 08.88.263  
AS 08.88.081 AS 08.88.171

12 AAC 64.060(f) is repealed:

(f) **Repealed** \_\_\_ / \_\_\_ / \_\_\_\_\_ [IF A LICENSEE WHO HOLDS AN ASSOCIATE BROKER LICENSE LIMITED TO PRACTICE COMMUNITY ASSOCIATION MANAGEMENT BECOMES AN OWNER OF A COMMUNITY ASSOCIATION MANAGEMENT COMPANY, OR IS HIRED BY A CORPORATION, PARTNERSHIP,

LIMITED PARTNERSHIP, OR LIMITED LIABILITY COMPANY TO BE A BROKER OF A COMMUNITY ASSOCIATION MANAGEMENT OFFICE, THE LICENSEE SHALL RETURN THE ASSOCIATE BROKER LICENSE TO THE COMMISSION. AFTER RECEIVING THE ASSOCIATE BROKER LICENSE, THE COMMISSION WILL ISSUE A BROKER LICENSE TO THE LICENSEE LIMITED TO PRACTICE COMMUNITY ASSOCIATION MANAGEMENT].

12 AAC 64.060(g) is repealed

(g) **Repealed** / / [A LICENSEE WHO HOLDS A BROKER OR ASSOCIATE BROKER LICENSE LIMITED TO PRACTICE COMMUNITY ASSOCIATION MANAGEMENT MAY OBTAIN A BROKER OR ASSOCIATE BROKER LICENSE THAT IS NOT LIMITED AS DESCRIBED IN (F) OF THIS SECTION, BY COMPLYING WITH THE REQUIREMENTS OF AS 08.88.171 AND THIS CHAPTER].

(Eff. 8/6/67, Register 24; am 8/22/79, Register 71; am 12/6/81, Register 80; am 10/8/90, Register 116; am 7/16/94, Register 131; am 9/15/94, Register 131; am 2/11/95, Register 133; am 2/12/99, Register 149; am 9/6/2002, Register 163; am 5/31/2012, Register 202; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.88.071 AS 08.88.171 AS 08.88.191  
AS 08.88.081

12 AAC 64.061(c)(1)(C)(i) is amended to read:

(i) determine that the applicant must provide additional information regarding the applicant's active status by furnishing a report of listings

and sales, **or property management activity**, accomplished by the applicant during **three** [TWO] or more years within the last **five** [THREE] years of licensure immediately preceding application in order to verify that the applicant meets the requirements of this subparagraph; the report must be certified as correct by the broker with whom the applicant has been associated; if due to conditions outside of the control of the applicant, a broker is not reasonably available to certify the report, an applicant may request and receive approval from the commission for an alternative manner to provide verification that the report is correct, **this report may be provided by electronic mail or postal mail**;

(Eff. 12/6/81, Register 80; am 9/29/83, Register 88; 7/16/94, Register 131; am 2/12/99, Register 149; am 2/5/2010, Register 193; am \_\_\_/\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.88.071 AS 08.88.081 AS 08.88.263

12 AAC 64.071(a) is amended to read:

(a) Except as provided in (g) of this section, all licenses lapse January 31 of every even-numbered year unless renewed under this section and in accordance with AS 08.88.091, 08.88.171, and 08.88.251. A renewal reminder **notice** [DOCUMENT] will be provided **by the commission, either by electronic mail or postal mail**, to each licensee with a current expiration date at least 60 days before the renewal date.

(Eff. 2/6/81, Register 80; am 9/29/83, Register 88; am 7/1/89, Register 110; am 10/8/90, Register 116; am 3/6/91, Register 117; am 7/16/94, Register 131; am 11/1/2003, Register 168; am 1/1/2006, Register 176; am 5/31/2012, Register 202; am 1/9/2014, Register 209; am \_\_\_/\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.88.081 AS 08.88.095 AS 08.88.251  
AS 08.88.091 AS 08.88.171

12 AAC 64.075(a) is amended to read:

(a) An individual may not be involved in activities requiring licensure under AS 08.88 until the individual's employing broker signs and delivers to the commission, **either by electronic mail or postal mail**, a notice of employment of the individual and the individual's license certificate is delivered to the broker by the licensee or the commission.

12 AAC 64.075(b) is amended to read:

(b) When a licensee requests a license transfer from one broker to another, the terminating broker shall sign and date the front of the license certificate, provide a copy to the licensee, and submit the original to the commission, **either by electronic mail or postal mail**, within five days from the date of the licensee's request for a license transfer. The licensee shall provide the new employing broker with a copy of the signed license certificate and provide the commission with a completed application for license transfer and the fees established in 12 AAC 02.360. The commission will mail an amended license certificate directly to the new employing broker.

12 AAC 64.075(e) is amended to read:

(e) Failure of the licensee to notify the commission of a transfer or status change within 15 days after [WRITTEN NOTICE BY THE COMMISSION TO THE LICENSEE OF] the commission's receipt, **either by electronic mail or postal mail**, of notice from the licensee's

terminating broker interrupts the licensee's period of active and continuous experience. (Eff. 8/22/79, Register 71; am 12/6/81, Register 80; am 7/1/89, Register 110; am 7/16/94, Register 131; am 9/15/94, Register 131; am 9/6/2002, Register 163; am 6/22/2008, Register 186; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.88.081 AS 08.88.171 AS 08.88.251

12 AAC 64.077(b) is amended to read:

(b) An applicant applying to work in a branch office shall submit to the commission **the Employing Broker Information form of the** [AN] application signed by the registered broker and the associate broker in charge of the branch office. **This form may be signed digitally or non-digitally, and may be submitted either by electronic mail or postal mail.**

12 AAC 64.077(c) is amended to read:

(c) When the registered broker of an office notifies the commission office in advance of an absence from the office, the broker or an associate broker designated by the registered broker to supervise transactions or licensees during the broker of record's absence may sign, **either digitally or non-digitally,** for the broker of record on a license application. (Eff. 7/16/94,

Register 131; am 2/12/99, Register 149; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.88.081 AS 08.88.291 AS 08.88.311  
AS 08.88.171

12 AAC 64.130(13) is amended to read:

(13) failing to submit to the seller or the seller's **licensee** [AGENT] all written

bona fide offers received before the seller accepts another offer in writing and the broker has knowledge of the acceptance;

(Eff. 8/6/87, Register 24; am 8/22/79, Register 71; am 10/19/80, Register 76; am 12/6/81, Register 80; am 7/1/89, Register 110; am 7/16/94, Register 131; am 6/28/97, Register 142; am 5/28/98, Register 146; am 11/18/2006, Register 180; am 1/9/2014, Register 209; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.88.071 AS 08.88.081 AS 08.88.401

12 AAC 64.135(a) is amended to read:

(a) The commission will, in its discretion, and the commission's designee may, inspect a broker's transaction records; the inspection must be conducted between 8:00 a.m. and 5:00 p.m., Monday through Friday, unless otherwise agreed, and the broker must be given at least 72 hours' advance notice of the inspection. The broker shall make available to the commission or its designee all requested transaction records including, but not limited to, earnest money agreements, listing agreements, trust account records, disbursal records, broker or **licensee** [AGENT] communications regarding transactions, and closing statements for all principals to transactions.

(Eff. 8/22/79, Register 71; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.88.081 **AS 44.33.020** [AS 44.33.020(1)]  
AS 08.88.351

12 AAC 64.410 is amended to read:

**12 AAC 64.410. Minimum classroom and virtual course requirements.** (a) Except as



provided in (f) and (g) of this section, only real estate education courses certified by the commission, or the commission's designee, meet the requirements of AS 08.88.091 and 08.88.095. To be certified, a course **whether delivered in a classroom or virtually**, must meet the following minimum requirements:

(1) the course must add to the practical knowledge required to perform the duties of a real estate practitioner in areas identified in 12 AAC 64.063, 12 AAC 64.064, and 12 AAC 64.500;

(2) the course content must be applicable to all areas of the state, but may also include consideration of unique local circumstances;

(3) repealed 6/28/97;

(4) the course must be taught by an instructor approved by the commission to teach that course topic;

(5) a guest instructor who is not approved may be used to present a specialized portion of a course if an approved instructor for the course topic is also present;

(6) students must be required to adhere to a strict attendance policy, **whether in a classroom or attending virtually**, in order to receive credit for the course;

(7) students **taking a course virtually** must **be present using a device with video and audio capabilities**;

**(8) students must** complete a course and instructor evaluation on a form [REQUIRED BY THE COMMISSION; THE COMMISSION WILL PROVIDE A MASTER COPY OF THE FORM TO EACH COURSE SPONSOR] **that meets or exceeds the basic evaluation provided by the commission**;

**(9)** [(8)] a certificate of completion shall be given to each student who attends and

participates in the course and completes the evaluation, showing the

- (A) name of student;
- (B) city where course was held;
- (C) course title and course approval number;
- (D) date the course was delivered;
- (E) number of contact hours awarded;
- (F) signature of the course instructor or sponsor; and
- (G) name of the course instructor.

(b) A transcript from a college or university registrar may substitute for the certificate of completion required in **(a)(9)** [(a)(8)] of this section.

(c) Regardless of the number of courses taken in a single day, a student may not receive credit for more than

(1) 10 hours of instruction per day to meet the continuing education requirements of AS 08.88.091 and 12 AAC 64.500; or

(2) eight hours of instruction per day to meet the education requirements of AS 08.88.095 and 12 AAC 64.064.

(d) The commission will maintain a list, updated quarterly, of approved courses that are open to any licensee. The commission will make the list available at the division's office in Anchorage, **through** [IN] the commission **ListServ** [NEWSLETTER], **the commission's website** [THROUGH A PUBLICLY ACCESSIBLE ELECTRONIC MEDIUM], and by other appropriate methods.

(e) **Any** [A] course outline submitted to the commission in compliance with 12 AAC 64.420(a)(3)(D) is the property of the author or course sponsor.

(f) Courses developed by a national organization that issues professional designations in specific areas of licensed real estate practice, and that are required to earn or maintain a nationally recognized professional designation, will be recognized for credit if

(1) the course is taught by an instructor certified by the national organization to deliver the course; and

(2) the national organization provides

(A) a list of the designations offered and the courses required for each designation to the commission annually; and

(B) a certificate of successful course completion.

(g) Courses in the subject areas identified in 12 AAC 64.500 offered by an accredited college or university will be recognized for credit. To determine the number of credit hours to be granted, the licensee must

(1) submit a syllabus of the course, **either by electronic mail, through a link, or by postal mail**; and

(2) arrange for and ensure the submission of an official transcript directly from the college or university where the course was offered, **either by electronic mail or postal mail**.

(Eff. 10/8/90, Register 116; am 3/6/91, Register 117; am 7/16/94, Register 131; am 9/15/94, Register 131; am 6/28/97, Register 142; am 5/28/98, Register 146; am 2/12/99, Register 149; am 1/1/2006, Register 176; am 3/27/2008, Register 185; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.88.061            AS 08.88.091            AS 08.88.095  
AS 08.88.081

12 AAC 64.430 is amended to read:

**12 AAC 64.430. Correspondence courses.** (a) To obtain certification of a correspondence course a sponsor must

(1) meet the requirements of 12 AAC 64.420;

(2) submit a copy of the complete course materials that will be provided to participants, including any published texts [AND AUDIO-CASSETTE] or **videos** [VIDEOTAPES]; and

(3) submit **a copy of** the [WRITTEN] instructions for completing each lesson, **either by electronic mail or postal mail.**

(b) All courses taken by correspondence must include an **unanswered** examination, or a project activity, to be turned into the **instructor** [COURSE SPONSOR] for grading **upon completion of the course.** The **examination or** project activity must be submitted along with the course material to the commission for prior approval, **either by electronic mail or postal mail.**

(Eff. 10/8/90, Register 116; am 2/12/99, Register 149; am 3/27/2008, Register 185; am \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.88.081 AS 08.88.091

12 AAC 64.440 is amended to read:

**12 AAC 64.440. Instructor approval.** (a) Except as provided in 12 AAC 64.410(f) and (g), only a course taught by an instructor who is approved by the commission, or the commission's designee, to teach a course on that topic meets the education requirements of AS 08.88.091, AS 08.88.095, and this chapter. A national instructor must obtain approval from the commission, or the commission's designee, in the appropriate topic area before teaching any course other than a course required to qualify a licensee for a professional designation in licensed

real estate practice from a national organization.

(b) An applicant for instructor approval must apply to the commission by submitting

- (1) a completed application on a form provided by the department;
- (2) the fees required in 12 AAC 02.360;
- (3) a list of topics the applicant is seeking approval to teach; and
- (4) a resume indicating the education and experience of the applicant in the

requested topic areas, including the experience and education required in (c) of this section.

(c) To be approved as an instructor, an applicant must have experience teaching or training adults, and at least one of the following:

- (1) a bachelor's degree in real estate or a related field;
- (2) five years of experience as a real estate licensee with documented experience

in the topic area the applicant is seeking approval to teach;

- (3) another combination of experience and education that establishes the

applicant's credentials in the requested topic area;

- (4) be listed as an approved instructor by a national organization that offers

professional real estate courses that have been approved by the commission for continuing education credit under 12 AAC 64.420.

(d) Successful completion of an instructor workshop sponsored by the Association of Real Estate License Law Officials (ARELLO), the National Association of Realtors (NAR), the Real Estate Educators' Association (REEA), the International Right of Way Association (IRWA), the Community Association Institute (CAI), or other national organization determined to be comparable by the commission, or the commission's designee, may be substituted for the teaching experience or training required in (c) of this section.

(e) If necessary to verify or substantiate the qualifications of an applicant for instructor approval, the commission, or its designee, will interview an applicant for instructor approval. If the commission requests division staff to conduct the interview, the division staff shall conduct the interview using the standards for instructor approval set out in this section. The division staff shall prepare a report on the interview and provide it to the commission for further action.

(f) **The applicant must have not been disciplined within the last five years by any real estate regulating authority or professional real estate association.**

(g) An instructor approval expires on April 1 of years ending in 0 and 5. An initial instructor approval issued under (b) of this section from January 1 through April 1 of a year ending in 0 or 5 will expire on April 1 of the next year that ends in a 0 or 5. An applicant for renewal of an instructor approval must submit to the department

(1) a completed application for renewal on a form provided by the department;

(2) the instructor approval recertification fee specified in 12 AAC 02.360; and

(3) evidence of completion during the biennial licensing period for real estate licensee's immediately preceding the date of application, or the current biennial licensing period if in progress at the date of application, of

(A) at least two hours of continuing education in each topic area for which the instructor is applying for recertification;

(B) teaching a course in the topic area for which the instructor is applying for recertification; or

(C) practical experience in the topic.

**(h)** [(g) REPEALED 6/22/2008.

(h)] An applicant for initial instructor approval that wishes to substitute completion of an

instructor workshop in (d) of this section for teaching experience or training required in (c) of this section, must apply for instructor approval not later than six months after completing an approved instructor workshop. (Eff. 10/8/90, Register 116; am 3/6/91, Register 117; am 7/16/94, Register 131; am 6/28/97, Register 142; am 2/12/99, Register 149; am 1/1/2006, Register 176; am 6/22/2008, Register 186; am 1/9/2014, Register 209; am 8/30/2020, Register 235; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.88.061 AS 08.88.091 AS 08.88.095  
AS 08.88.081

**Editor's note:** Information on workshops described in 12 AAC 64.440 may be obtained from the applicable organizations at the following **websites** [ADDRESSES]: Association of Real Estate License Law Officials (ARELLO), <https://www.arello.com/> [P.O. BOX 129, CENTERVILLE, UT 84014-0129]; National Association of Realtors (NAR), <https://www.nar.realtor/> [430 NORTH MICHIGAN AVE., CHICAGO, IL 60611]; Real Estate Educator's Association (REEA), <https://www.reea.org/> [10565 LEE HIGHWAY, SUITE 104, FAIRFAX, VA 22030-3135]; International Right of Way Association (IRWA), <https://www.irwaonline.org/> [13650 SOUTH GRAMERCY PLACE, GARDENA, CA 90249]; Community Association Institute (CAI), <https://www.caionline.org/> [1630 DUKE STREET, ALEXANDRIA, VA 22314].

12 AAC 64.990(b) is amended by adding a new paragraph to read:

**(10) “virtual course” means a course that is approved for credit by the commission and is provided in an interactive on-line, real-time learning environment where the majority of the curriculum is delivered using the internet; and in which students are**

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**separated by location from their instructor of record, yet have the ability to participate through chats and audio.**

(Eff. 12/6/81, Register 80; am 4/10/83, Register 86; am 9/29/83, Register 88; am 10/8/90, Register 116; am 7/3/94, Register 130; am 7/16/94, Register 131; am 9/15/94, Register 131; am 2/12/99, Register 149; am 9/6/2002, Register 163; am 6/22/2008, Register 186; am 12/7/2011, Register 200; am 2/21/2019, Register 229; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.88.081 AS 08.88.091