

G.S. 150B-21.3A Report for 21 NCAC 58, REAL ESTATE COMMISSION									
Agency: Real Estate Commission									
Comment Period: March 24, 2017 - May 30, 2017									
Date Submitted to APO - Filled in by RRC staff									
Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
SUBCHAPTER 58A - REAL ESTATE BROKERS	SECTION .0100 - GENERAL BROKERAGE	21 NCAC 58A .0101	PROOF OF LICENSURE	Amended Eff. July 1, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0103	BROKER NAME AND ADDRESS	Amended Eff. July 1, 2016	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0104	AGENCY AGREEMENTS AND DISCLOSURE	Amended Eff. July 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0105	ADVERTISING	Amended Eff. July 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0106	DELIVERY OF INSTRUMENTS	Amended Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0108	RETENTION OF RECORDS	Amended Eff. July 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 58A .0109	BROKERAGE FEES AND COMPENSATION	Amended Eff. October 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0110	BROKER-IN-CHARGE	Amended Eff. July 1, 2014	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0111	DRAFTING LEGAL INSTRUMENTS	Amended Eff. April 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0112	OFFERS AND SALES CONTRACTS	Amended Eff. July 1, 2014	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0113	REPORTING CRIMINAL CONVICTIONS AND DISCIPLINARY ACTIONS	Amended Eff. July 1, 2016	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0114	RESIDENTIAL PROPERTY AND OWNERS' ASSOCIATION DISCLOSURE STATEMENT	Amended Eff. July 1, 2014	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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		21 NCAC 58A .0115	DISCLOSURE OF OFFERS PROHIBITED	Eff. July 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0116	HANDLING OF TRUST MONEY	Amended Eff. July 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0117	ACCOUNTING FOR TRUST MONEY	Amended Eff. July 1, 2014	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0118	TRUST MONEY BELONGING TO PROPERTY OWNERS' ASSOCIATIONS	Amended Eff. July 1, 2014	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0300 – APPLICATION FOR LICENSE	21 NCAC 58A .0301	FORM	Amended Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0302	FILING AND FEES	Amended Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0303	PAYMENT OF APPLICATION FEES	Amended Eff. April 1, 2004	Unnecessary	No		No	Unnecessary
		21 NCAC 58A .0304	EQUIVALENT EXPERIENCE QUALIFICATIONS FOR APPLICANTS	Amended Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0400 - EXAMINATIONS	21 NCAC 58A .0401	SCHEDULING EXAMINATIONS	Amended Eff. April 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0402	EXAMINATION SUBJECT MATTER, FORMAT, AND PASSING SCORES	Amended Eff. July 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0403	RE-APPLYING FOR EXAMINATION	Amended Eff. January 1, 2012	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0404	EXAMINATION RELATED CONDUCT	Amended Eff. July 1, 2014	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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		21 NCAC 58A .0405	CONFIDENTIALITY OF EXAMINATIONS	Amended Eff. January 1, 2012	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0500 - LICENSING	21 NCAC 58A .0502	BUSINESS ENTITIES	Amended Eff. July 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0503	LICENSE RENEWAL; PENALTY FOR OPERATING WHILE LICENSE EXPIRED	Amended Eff. July 1, 2014	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0504	ACTIVE AND INACTIVE LICENSE STATUS	Amended Eff. April 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0505	REINSTATEMENT OF EXPIRED LICENSE, REVOKED, SURRENDERED OR SUSPENDED LICENSE	Amended Eff. January 1, 2012	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0506	PROVISIONAL BROKER TO BE SUPERVISED BY BROKER	Amended Eff. April 1, 2013	Necessary without substantive public interest	No		Yes	Necessary with substantive public interest
		21 NCAC 58A .0507	PAYMENT OF FEES	Amended Eff. September 1, 2002	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0511	LICENSING OF PERSONS LICENSED IN ANOTHER JURISDICTION	Amended Eff. April 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0600 – REAL ESTATE COMMISSION HEARINGS	21 NCAC 58A .0601	COMPLAINTS/INQUIRIES/MOTIONS/OTHER PLEADINGS	Amended Eff. July 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0607	PETITION TO REOPEN PROCEEDING	Amended Eff. February 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0610	SUBPOENAS	Amended Eff. October 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0612	PRESIDING OFFICER	Amended Eff. October 1, 2000	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 58A .0614	SUMMARY SUSPENSION	Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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		21 NCAC 58A .0615	SETTLEMENTS	Eff. July 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0616	PROCEDURES FOR REQUESTING HEARINGS WHEN APPLICANT'S CHARACTER IS IN QUESTION	Amended Eff. April 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0700 - PETITIONS FOR RULES	21 NCAC 58A .0701	PETITION FOR RULE-MAKING HEARINGS	Amended Eff. February 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0800 - RULE MAKING	21 NCAC 58A .0802	WRITTEN SUBMISSIONS	Amended Eff. May 1, 1984	Unnecessary	No		No	Unnecessary
		21 NCAC 58A .0803	PRESIDING OFFICER: POWERS AND DUTIES	Amended Eff. February 1, 1989	Unnecessary	No		No	Unnecessary
		21 NCAC 58A .0805	RECORD OF PROCEEDINGS	Amended Eff. February 1, 1989	Unnecessary	No		No	Unnecessary
	SECTION .0900 - DECLARATORY RULINGS	21 NCAC 58A .0902	REQUESTS FOR RULINGS: DISPOSITION OF REQUESTS	Amended Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .0905	RECORD OF RULING	Amended Eff. November 1, 1987	Unnecessary	No		No	Unnecessary
	SECTION .1400 -- REAL ESTATE EDUCATION AND RECOVERY FUND	21 NCAC 58A .1401	APPLICATION FOR PAYMENT	Amended Eff. April 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1402	MULTIPLE CLAIMS	Amended Eff. May 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1403	NOTICE OF HEARING: ORDER/PAYT FROM/REAL ESTATE EDUCATION AND RECOVERY FUND	Amended Eff. April 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1404	EXHAUSTED LIABILITY LIMITS	Amended Eff. April 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .1600 - DISCRIMINATORY PRACTICES PROHIBITED	21 NCAC 58A .1601	FAIR HOUSING	Amended Eff. April 1, 1997	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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	SECTION .1700 – MANDATORY CONTINUING EDUCATION	21 NCAC 58A .1701	PURPOSE AND APPLICABILITY	Amended Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1702	CONTINUING EDUCATION REQUIREMENT	Amended Eff. July 1, 2014	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1703	CONTINUING EDUCATION FOR LICENSE ACTIVATION	Amended Eff April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1704	NO CREDIT FOR PRELICENSING OR POSTLICENSING COURSES	Amended Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1705	ATTENDANCE AND PARTICIPATION REQUIREMENTS	Amended Eff. July 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1706	REPETITION OF COURSES	Eff. July 1, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1707	ELECTIVE COURSE CARRY-OVER CREDIT	Amended Eff. July 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1708	EQUIVALENT CREDIT	Amended Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1709	EXTENSIONS OF TIME TO COMPLETE CONTINUING EDUCATION	Amended Eff. August 1, 2014	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1710	DENIAL OR WITHDRAWAL OF CONTINUING EDUCATION CREDIT	Amended Eff. July 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1711	CONTINUING EDUCATION REQUIRED OF NONRESIDENT BROKERS	Amended Eff. July 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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	SECTION .1800 - LIMITED NONRESIDENT COMMERCIAL LICENSING	21 NCAC 58A .1801	GENERAL PROVISIONS	Amended Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1802	DEFINITIONS	Eff. July 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1803	REQUIREMENTS FOR LICENSURE; APPLICATION AND FEE	Amended Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1804	ACTIVE STATUS	Amended Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1805	RENEWAL	Eff. July 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1806	LIMITATIONS	Amended Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1807	AFFILIATION WITH RESIDENT BROKER	Amended Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1808	TRUST MONIES	Amended Eff. July 1, 2014	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1809	ADVERTISING	Amended Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1810	PAYMENT OF FEES	Eff. July 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .1900 – POST-LICENSING EDUCATION	21 NCAC 58A .1901	PURPOSE AND APPLICABILITY	Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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		21 NCAC 58A .1902	POSTLICENSING EDUCATION REQUIREMENT	Amended Eff. January 1, 2012	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1903	EXTENSIONS OF TIME TO COMPLETE POSTLICENSING EDUCATION	Amended Eff. January 1, 2012	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .1904	DENIAL OR WITHDRAWAL OF POSTLICENSING EDUCATION CREDIT	Amended Eff. July 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .2000 - ANNUAL REPORTS	21 NCAC 58A .2001	FILING	Eff. July 1, 2010	Unnecessary	No		No	Unnecessary
		21 NCAC 58A .2002	ESCROW ACCOUNT	Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .2100 - BROKERS IN MILITARY SERVICE	21 NCAC 58A .2101	APPLICABILITY	Eff. July 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .2102	POSTPONEMENT OF FEES	Eff. July 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .2103	POSTPONEMENT OF CONTINUING EDUCATION	Eff. July 1, 2010	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .2104	POSTPONEMENT OF POSTLICENSING EDUCATION	Amended Eff. July 1, 2016	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .2105	PROOF OF ELIGIBILITY	Amended Eff. July 1, 2016	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .2200 - BROKER PRICE OPINIONS AND COMPARATIVE MARKET ANALYSES	21 NCAC 58A .2201	APPLICABILITY	Eff. April 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58A .2202	STANDARDS	Eff. April 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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SUBCHAPTER 58B – TIME SHARES	SECTION .0100 – TIME SHARE PROJECT REGISTRATION	21 NCAC 58B .0101	APPLICATION FOR REGISTRATION	Amended Eff. July 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58B .0102	REGISTRATION FEE	Amended Eff. July 1, 2016	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58B .0103	RENEWAL OF TIME SHARE PROJECT REGISTRATION	Amended Eff. July 1, 2016	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58B .0104	AMENDMENTS TO TIME SHARE PROJECT REGISTRATION	Amended Eff. October 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58B .0105	NOTICE OF TERMINATION	Eff. April 1, 1987	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0200 - PUBLIC OFFERING STATEMENT	21 NCAC 58B .0201	GENERAL PROVISIONS	Amended Eff. October 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58B .0202	PUBLIC OFFERING STATEMENT SUMMARY	Amended Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58B .0203	RECEIPT FOR PUBLIC OFFERING STATEMENT	Amended Eff. October 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0300 - CANCELLATION	21 NCAC 58B .0301	PROOF OF CANCELLATION	Amended Eff. October 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0400 - TIME SHARE SALES OPERATION	21 NCAC 58B .0401	RETENTION OF TIME SHARE RECORDS	Amended Eff. October 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58B .0402	TIME SHARE AGENCY AGREEMENTS AND DISCLOSURE	Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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	SECTION .0500 – HANDLING AND ACCOUNTING OF FUNDS	21 NCAC 58B .0501	TIME SHARE TRUST FUNDS	Amended Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0600 - PROJECT BROKER	21 NCAC 58B .0601	DESIGNATION OF PROJECT BROKER	Amended Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 58B .0602	DUTIES OF THE PROJECT BROKER	Amended Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0700 - TIME SHARE FORMS	21 NCAC 58B .0701	FORMS FOR TIME SHARE PROJECTS	Eff. July 1, 1989	Unnecessary	No		No	Unnecessary
SUBCHAPTER 58G – NORTH CAROLINA REAL ESTATE COMMISSION ADMINISTRATION	SECTION .0100 – REAL ESTATE COMMISSION SERVICE	21 NCAC 58G .0101	PER DIEM	Eff. April 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest

PUBLIC COMMENT

Agency	Rule	Name	Type of Comment	Comment	Agency Response
Real Estate Commission	21 NCAC 58A .0506	PROVISIONAL BROKER TO BE SUPERVISED BY BROKER	Public Coment as defined in G.S. 150B-21.3A(a)(5)	<p>From: Susan Robertson <suerobertson6@bellsouth.net> Sent: Mon 5/15/2017 10:36 PM To: Melissa A. Vuotto <Melissa@ncrec.gov> Subject: Broker licence [sic] rules</p> <p>I think provisional brokers should have to have that made known to the public. i know they are supervised, but if I were a regular person I would want to know that. I would want to know who the supervising person is.</p> <p>When I go to a lawyer and I talk with the paralegal, I know there is a lawyer that can confer.</p> <p>When I go to a medical office and I see a nurse practitioner or a physicians assistant I know who the doctor is and that they can ask for help at any time.</p> <p>Regards, Sue Robertson, REALTOR</p>	<p>Thank you for your comment. We have changed the classification of 21 NCAC 58A .0506 to Necessary with Substantive Public Interest and will consider your comment further during the readoption process.</p>