

1 21 NCAC 58A .0112 is amended as published in 40:10 NCR 841 as follows:

2
3 **21 NCAC 58A .0112 OFFERS AND SALES CONTRACTS**

4 (a) A broker acting as an agent in a real estate transaction shall not use a preprinted offer or sales contract form unless
5 the form describes or specifically requires the entry of the following information:

- 6 (1) the names of the buyer and seller;
- 7 (2) a legal description of the real property sufficient to identify and distinguish it from all other property;
- 8 (3) an itemization of any personal property to be included in the transaction;
- 9 (4) the purchase price and manner of payment;
- 10 (5) any portion of the purchase price that will be paid by a promissory note, including the amount,
11 interest rate, payment terms, whether or not the note is to be secured, and any other terms contained
12 in the promissory note deemed material by the parties;
- 13 (6) any portion of the purchase price that is to be paid by the assumption of an existing loan, including
14 the amount of such loan, costs to be paid by the buyer or seller, the interest rate and number of
15 discount points and a condition that the buyer must be able to qualify for the assumption of the loan
16 and must make every reasonable effort to qualify for the assumption of the loan;
- 17 (7) the amount of earnest money, if any, the method of payment, the name of the broker or firm that
18 will serve as escrow agent, an acknowledgment of earnest money receipt by the escrow agent, and
19 the criteria for determining disposition of the earnest money, including disputed earnest money,
20 consistent with Commission Rule .0116 of this Subchapter;
- 21 ~~(8) any loan that must be obtained by the buyer as a condition of the contract, including the amount and~~
22 ~~type of loan, interest rate and number of discount points, loan term, and who shall pay loan closing~~
23 ~~costs, and a condition that the buyer shall make every reasonable effort to obtain the loan;~~
- 24 ~~(9) a general statement of the buyer's intended use of the property and a condition that such use must~~
25 ~~not be prohibited by private restriction or governmental regulation;~~
- 26 ~~(10)~~(8) the amount and purpose of any special assessment to which the property is subject and the
27 responsibility of the parties for any unpaid charges;
- 28 ~~(11)~~(9) the date for closing and transfer of possession;
- 29 ~~(12)~~(10) the signatures of the buyer and seller;
- 30 ~~(13)~~(11) the date of offer and acceptance;
- 31 ~~(14)~~(12) a provision that title to the property must be delivered at closing by general warranty deed and must
32 be fee simple marketable title, free of all encumbrances except ad valorem taxes for the current year,
33 utility easements, and any other encumbrances specifically approved by the buyer or a provision
34 otherwise describing the estate to be conveyed with encumbrances, and the form of conveyance;
- 35 ~~(15)~~(13) the items to be prorated or adjusted at closing;
- 36 ~~(16)~~(14) who shall pay closing expenses;

1 ~~(17)~~(15) the buyer's right to inspect the property prior to closing and who shall pay for repairs and
2 improvements, if any;

3 ~~(18)~~(16) a provision that the property shall at closing be in substantially the same condition as on the date of
4 the offer (reasonable wear and tear excepted), or a description of the required property condition at
5 closing;

6 ~~(19)~~(17) a provision setting forth the identity of each real estate agent and firm involved in the transaction
7 and disclosing the party each agent and firm represents; and

8 ~~(20)~~(18) any other provisions or disclosures required by statute or rule.

9 (b) A broker acting as an agent in a real estate ~~transaction shall not use a preprinted offer or sales contract form~~
10 ~~containing:~~ transaction:

11 (1) ~~any provision may use a preprinted offer or sales contract form containing provisions~~ concerning
12 the payment of a commission or compensation, including the forfeiture of earnest money, to any
13 broker or firm; ~~or~~ and

14 (2) shall not use a preprinted offer or sales contract form containing any provision that attempts to
15 disclaim the liability of a broker for his or her representations in connection with the transaction.

16 A broker or anyone acting for or at the direction of the broker shall not insert or cause such provisions or terms to be
17 inserted into any such preprinted form, even at the direction of the parties or their attorneys.

18 (c) The provisions of this Rule shall apply only to preprinted offer and sales contract forms which a broker acting as
19 an agent in a real estate transaction proposes for use by the buyer and seller. Nothing contained in this Rule shall be
20 construed to prohibit the buyer and seller in a real estate transaction from altering, amending or deleting any provision
21 in a form offer to purchase or contract nor shall this Rule be construed to limit the rights of the buyer and seller to
22 draft their own offers or contracts or to have the same drafted by an attorney at law.

23
24 *History Note:* Authority G.S. 93A-3(c);

25 *Eff. July 1, 1988;*

26 *Amended Eff. July 1, 2014; July 1, 2010; July 1, 2009; April 1, 2006; October 1, 2000; July 1, 1995;*

27 *July 1, 1989; February 1, 1989;*

28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~*

29 *May 1, 2018;*

30 *Amended Eff. _____*

1 21 NCAC 58A .0302 is amended as published in 40:10 NCR 842 as follows:

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3 **21 NCAC 58A .0302 LICENSE APPLICATION AND FEE**

4 (a) The fee for an original application of a broker or firm license shall be one hundred five dollars ~~(\$100.00).~~
5 ~~(\$105.00).~~

6 (b) An applicant shall update information provided in connection with a license application in writing to the
7 Commission or submit a new application form that includes the updated information without request by the
8 Commission to ensure that the information provided in the application is current and accurate. Upon the request of the
9 Commission, an applicant shall submit updated information or provide additional information necessary to complete
10 the application within 45 days of the request or the license application shall be canceled.

11 (c) The license application of an individual shall be canceled if the applicant fails to:

- 12 (1) pass a scheduled license examination within 180 days of filing a complete application pursuant to
13 Rule .0301 of this Section; or
14 (2) appear for and take any scheduled examination without having the applicant's examination
15 postponed or absence excused pursuant to Rule .0401 of this Subchapter.

16 (d) If an applicant seeks to withdraw their application for licensure after a Notice of Hearing is issued by Commission
17 staff, an applicant shall file a Motion to Withdraw with the Commission that states the applicant's reason for
18 withdrawal. The Commission shall issue an Order of Withdrawal and may prohibit the applicant from re-applying for
19 licensure for a period of up to two years from the date of the Order if the applicant fails to show good cause for the
20 withdrawal. For purposes of this Rule, good cause may include:

- 21 (1) an incapacitating illness of the applicant or applicant's attorney;
22 (2) a naturally occurring disaster; or
23 (3) an undue hardship on the applicant.

24 (e) If an applicant is denied licensure following a hearing, the Commission shall order that the applicant be prohibited
25 from re-applying for licensure for a period of up to two years from the date of the application.

26
27 *History Note: Authority G.S. 93A-4; 93A-6(b)(1); 93A-9; 93B-8.1(b5);*

28 *Eff. February 1, 1976;*

29 *Readopted Eff. September 30, 1977;*

30 *Amended Eff. July 1, 2017; April 1, 2006; July 1, 2004; April 1, 2004; July 1, 2003; October 1,*
31 *2000; August 1, 1998; July 1, 1998; July 1, 1996; February 1, 1989;*

32 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;*

33 *Amended Eff. April 1, 2026; July 1, 2025; July 1, 2020.*

1 21 NCAC 58A .0503 is amended as published in 40:10 NCR 843 as follows:

2

3 **21 NCAC 58A .0503 LICENSE RENEWAL**

4 (a) All real estate licenses issued by the Commission under G.S. 93A, Article 1 shall expire on June 30 following
5 issuance. Any broker desiring renewal of his or her license shall renew on the Commission's website within 45 days
6 prior to license expiration and shall submit a renewal fee of ~~forty five dollars (\$45.00)~~, fifty dollars (\$50.00).

7 (b) During the renewal process, every individual broker shall provide an email address to be used by the Commission.
8 The email address may be designated by the broker as private in order to be exempt from public records disclosures
9 pursuant to G.S. 93A-4(b2).

10 (c) During the renewal process, every designated broker-in-charge shall disclose:

11 (1) each federally insured depository institution lawfully doing business in this State where the trust
12 account(s) for the broker-in-charge or the entity for which the broker-in-charge is designated is held,
13 if applicable; and

14 (2) any criminal conviction or occupational license disciplinary action that occurred within the previous
15 year.

16

17 *History Note: Authority G.S. 93A-3(c); 93A-4; 93A-6; 93A-38.5;*

18 *Eff. February 1, 1976;*

19 *Readopted Eff. September 30, 1977;*

20 *Amended Eff. July 1, 1994; February 1, 1991; February 1, 1989;*

21 *Temporary Amendment Eff. April 24, 1995 for a period of 180 days or until the permanent rule*
22 *becomes effective, whichever is sooner;*

23 *Amended Eff. July 1, 2017; July 1, 2014; April 1, 2013; April 1, 2006; January 1, 2006; July 1,*
24 *2004; December 4, 2002; April 1, 1997; July 1, 1996; August 1, 1995;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;*

26 *Amended Eff. April 1, 2026; July 1, 2021; July 1, 2018.*

1 21 NCAC 58A .0513 is adopted as published in 40:10 NCR 843 as follows:

2

3 **21 NCAC 58A .0513 LICENSE CANCELLATION**

4 (a) A broker seeking to voluntarily cancel their real estate license shall file a license cancellation notice by logging
5 into the broker's online portal located on the Commission's website.

6 (b) The license cancellation shall be granted if the broker's license does not have a pending complaint or disciplinary
7 action with the Commission. If the license cancellation is granted, the broker's license shall be permanently cancelled
8 effective as of the date the notice was filed pursuant to Paragraph (a) of this Rule.

9 (c) A license cancelled pursuant to this Rule shall be ineligible for reinstatement.

10

11 *History Note: Authority G.S. 93A-3(c);*

12 *Eff. April 1, 2026.*

1 21 NCAC 58A .1803 is amended as published in 40:10 NCR 843 as follows:

2
3 **21 NCAC 58A .1803 REQUIREMENTS FOR LICENSURE; APPLICATION AND FEE**

4 (a) A person desiring to obtain a broker license under this Section shall demonstrate to the ~~Real Estate~~ Commission
5 that:

- 6 (1) he or she is a resident of a state or territory of the United States other than North Carolina;
- 7 (2) he or she is licensed as a real estate broker or salesperson in a qualifying state ~~and that said license~~
8 ~~is on active status and not in abeyance for any reason. If licensed as a salesperson, he or she shall~~
9 also demonstrate that he or she is acting under the supervision of a broker in accordance with the
10 applicable governing statutes or regulations in the qualifying state; and
- 11 (3) he or she possesses the requisite honesty, truthfulness, integrity, and moral character for licensure
12 as a broker in North Carolina.

13 A person applying for licensure under this Section shall not be required to show that the state or territory where he or
14 she is currently licensed offers reciprocal licensing privileges to North Carolina brokers.

15 ~~(b) A person desiring to be licensed under this Section shall submit an application on a form prescribed by the~~
16 ~~Commission and shall show the Commission that he or she has satisfied the requirements set forth in Paragraph (a) of~~
17 ~~this Rule. In connection with his or her application a person applying for licensure under this Rule shall provide the~~
18 ~~Commission with a certification of license history from the qualifying state where he or she is licensed. He or she~~
19 ~~shall also provide the Commission with a report of his or her criminal history from the service designated by the~~
20 ~~Commission. An applicant for licensure under this Section shall be required to update his or her application as required~~
21 ~~by Rule .0302(c) Rule .0302(b) of this Subchapter.~~

22 (c) ~~The fee for persons applying for licensure under this Section shall be one hundred dollars (\$100.00) and shall be~~
23 ~~paid in the form of a certified check, bank check, cashier's check, money order, or by credit card. Once paid, the~~
24 ~~application fee shall be non-refundable. The fee for a limited commercial license shall be one hundred five dollars~~
25 ~~(\$105.00).~~

26 (d) ~~If the Commission has received a complete application and the required application fee and if the Commission is~~
27 ~~satisfied that the applicant possesses the moral character necessary for licensure, the Commission shall issue to the~~
28 ~~applicant a limited nonresident commercial real estate broker license. An individual seeking licensure as a limited~~
29 ~~commercial broker shall submit an application that is available on the Commission's website and shall include the~~
30 ~~applicant's:~~

- 31 (1) legal name;
- 32 (2) place of business name, mailing address, and phone number;
- 33 (3) residence mailing address and telephone number;
- 34 (4) email address;
- 35 (4) social security number and date of birth;
- 36 (5) qualification for license application;
- 37 (6) real estate license history;

- 1
- 2 (7) criminal offenses, military courts-martial convictions, professional license disciplinary actions,
- 3 including the jurisdiction, file number, and explanation of each offense;
- 4 (10) liens or unpaid judgments;
- 5 (11) certification the applicant has read the Real Estate Licensing in North Carolina brochure that is
- 6 available on the Commission's website; and
- 7 (12) declaration and signature.
- 8 (e) In addition to the application required by Paragraph (d) of this Rule, the applicant shall submit:
- 9 (1) the limited commercial license application fee pursuant to Paragraph (c) of this Rule; and
- 10 (2) a certification of license history from the qualifying state issued within the previous six months; and
- 11 (3) a criminal records report from a Commission-designated criminal reporting service obtained within
- 12 six months prior to application submission.
- 13

14 *History Note: Authority G.S. 93A-4; 93A-9;*

15 *Eff. July 1, 2004;*

16 *Amended Eff. April 1, 2006;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. ~~May 1, 2018.~~*

18 *May 1, 2018;*

19 *Amended Eff. April 1, 2026.*

1 21 NCAC 58G .0103 is amended as published in 40:10 NCR 844 as follows:

2

3 **21 NCAC 58G .0103 DEFINITIONS**

4 The following definitions apply throughout this Chapter and to all forms prescribed pursuant to this Chapter:

- 5 (1) "Branch Office" means any office in addition to the principal office of a broker that is operated in
6 connection with the broker's real estate business.
- 7 (2) "BIC" means a broker-in-charge pursuant to G.S. 93A-2(a1).
- 8 (3) "BIC Eligible" means a broker's license status who has satisfied the broker-in-charge qualification
9 requirements and filed application pursuant to G.S. 93A-4.2 and 21 NCAC 58A .0110.
- 10 (4) "Commission" means the North Carolina Real Estate Commission.
- 11 (5) "Commission's website" means www.ncrec.gov.
- 12 (6) "Day" means calendar day unless the rule expressly states otherwise. The first day counted is the
13 day following the act, event, or transaction that triggered the tolling of the designated time period.
- 14 (7) "Fee" means a payment made to the Commission by a bank check, certified check, money order,
15 debit card, credit card, or other electronic means and is nonrefundable once the payment has been
16 processed.
- 17 (8) "Firm" means a partnership, corporation, limited liability company, association, or other business
18 entity, except for a sole proprietorship.
- 19 (9) "Form" means an original form template provided by the Commission and completed by the
20 submitting party.
- 21 (10) "Office" means any place of business where acts are performed for which a real estate license is
22 required or where monies received by a broker acting in a fiduciary capacity are handled or records
23 for such trust monies are maintained.
- 24 (11) "Principal Office" means the ~~office so~~ physical address designated in the Commission's records by
25 the qualifying broker of a licensed firm or the broker-in-charge of a sole proprietorship.

26

27 *History Note: Authority G.S. 93A-3(c);*
28 *Eff. July 1, 2017;*
29 *Amended Eff. July 1, 2026; July 1, 2018.*

1 21 NCAC 58H .0101 is amended as published in 40:10 NCR 845 as follows:

2
3 **SUBCHAPTER 58H - REAL ESTATE EDUCATION**

4
5 **SECTION .0100 – GENERAL**

6
7 **21 NCAC 58H .0101 DEFINITIONS**

8 The following definitions apply throughout this Subchapter and to all forms prescribed pursuant to this Chapter:

- 9 (1) "Assessment" means a quiz or evaluation that tests a student's mastery of the learning objective.
- 10 (2) "Blended learning" means any combination of distance education, synchronous distance learning,
11 and in-person methods of instruction.
- 12 (3) "Branch location" means any location in addition to the principal address of an education provider
13 that offers Prelicensing or Postlicensing Courses.
- 14 (4) "Continuing education" means a continuing education elective or Update Course.
- 15 (5) "Distance education" means a method of instruction accomplished through the use of media
16 whereby teacher and student are separated by distance and time.
- 17 (6) "End-of-course examination" means an examination administered at the conclusion of a course that
18 tests students' knowledge and mastery of all course subjects mandated by the Commission
19 prescribed course syllabus.
- 20 (7) "Instructional hour" means 50 minutes of instruction and 10 minutes of break time.
- 21 (8) "Instructor development program" means courses of instruction designed to assist real estate
22 instructors in the performance of Prelicensing, Postlicensing, or continuing education instructor
23 duties or in the development of teaching skills.
- 24 (9) "Learning objective" means a statement of what a student will be able to do after completing a unit
25 or course. A learning objective shall be structured in accordance with Bloom's Taxonomy.
- 26 (10) "License Examination Performance Record" means the percentage of an instructor's or education
27 provider's students who, within 30 days of completing a Prelicensing course pursuant to 21 NCAC
28 58H .0207(a), take and pass the license examination, as defined in 21 NCAC 58A .0402, on their
29 first attempt.
- 30 (11) "Postlicensing course" means any one of the courses comprising the 90 hour Postlicensing education
31 program pursuant to G.S. 93A-4(a1) and 21 NCAC 58A .1902.
- 32 (12) "Prelicensing course" means a single course consisting of at least 75 hours of instruction on subjects
33 prescribed by the Commission pursuant to G.S. 93A-4(a).
- 34 (13) "Public education provider" means any proprietary business or trade school licensed by the State
35 Board of Community Colleges under G.S. 115D-90 or approved by the Board of Governors of the
36 University of North Carolina that conducts approved real estate courses.

1 (14) "Syllabus" means a document that includes each topic and subtopic addressed during the course and
2 for each topic and subtopic describes the scope and depth of coverage, timing, and references to
3 course materials, and also demonstrates opportunities for student interactions throughout the course,
4 such as discussion boards, chat areas, group activities, and quizzes.

5 (15) "Synchronous distance learning" means the instructor and students are separated only by distance
6 and not time, allowing for real-time monitoring of student attendance and participation. For
7 purposes of this Subchapter, a student shall be visible on camera in order to meet the attendance
8 requirements set forth in Rule .0207 of this Section or 21 NCAC 58A .1705.

9 (16) "Update Courses" means the General Update Course and the Broker-in-Charge Update Course.

10 (17) "Unit" means a segment of distance education that is based upon a topic or subtopic in the course
11 syllabus that lasts no longer than one hour.

12

13 *History Note: Authority G.S. 93A-4; 93A-32; 93A-33; 93A-38.5;*

14 *Eff. July 1, 2017;*

15 *Amended Eff. July 1, 2026; January 1, 2021; July 1, 2020.*

1 21 NCAC 58H .0210 is amended with changes as published in 40:10 NCR 846 as follows:

2
3 **21 NCAC 58H .0210 LIMITATATION, DENIAL, WITHDRAWAL, OR TERMINATION OF**
4 **EDUCATION PROVIDER CERTIFICATION**

5 (a) The Commission may limit, deny, or withdraw certification of an education provider or suspend, revoke, or deny
6 renewal of the certification of an education provider upon finding that an education provider:

- 7 (1) was found by a court or government agency of competent jurisdiction to have violated any state or
8 federal law;
- 9 (2) made any false statements or presented any false, incomplete, or incorrect information in connection
10 with an application;
- 11 (3) failed to provide or provided false, incomplete, or incorrect information in connection with any
12 report the education provider is required to submit to the Commission;
- 13 (4) presented to its students or prospective students false or misleading information relating to its
14 instructional program, to the instructional programs of other institutions, or related to employment
15 opportunities;
- 16 (5) collected money from students but refused or failed to provide the promised instruction;
- 17 (6) failed to submit the per student fee as required by G.S. 93A-4(a2) or 93A-38.5(e).
- 18 (7) refused at any time to permit authorized representatives of the Commission to inspect the education
19 provider's facilities or audit its courses;
- 20 (8) or education director violated the rules of this Subchapter or was disciplined by the Commission
21 under G.S. 93A-6;
- 22 (9) obtained or used, or attempted to obtain or use, in any manner or form, North Carolina real estate
23 license examination questions;
- 24 (10) failed to provide to the Commission, within 30 days of the Commission's request during an
25 investigation or application process, a written plan describing the changes the education provider
26 made or intends to make in its instructional program including instructors, course materials, methods
27 of student evaluation, and completion standards to improve the performance of the education
28 provider's students on the license examination;
- 29 (11) provided the Commission a fee that was dishonored by a bank or returned for insufficient funds;
- 30 (12) has had its Certificate of Authority revoked by the NC Secretary of State pursuant to G.S. 55-15-
31 30;
- 32 (13) has been subject to a revenue suspension or suspended by the NC Secretary of State for failure to
33 report, return, or to pay any tax or fee by pursuant to G.S. 105-230;
- 34 (14) has been administratively dissolved by the NC Secretary of State pursuant to G.S. 57D-6-06;
- 35 (15) failed to utilize course materials pursuant to Rule .0205 of this Section;
- 36 (16) failed to submit reports pursuant to Rule .0207 of this Section;

1 (17) provided false, incomplete, or misleading information relating to real estate licensing, education
2 matters, or the broker's education needs or license status;

3 (18) discriminated in its admissions policy or practice against any person on the basis of age, sex, race,
4 color, national origin, familial status, handicap status, or religion; ~~or~~

5 (19) failed to ensure that synchronous distance learning students were visible on camera pursuant to Rule
6 .0101 of this Section; or

7 ~~(19)~~(20) refused or failed to comply with the provisions of this Subchapter.

8 (b) A broker shall be subject to discipline pursuant to G.S. 93A-6 if the broker engages in dishonest, fraudulent, or
9 improper conduct in connection with the operations of an education provider if that broker:

10 (1) has an ownership interest in the education provider;

11 (2) is the education director; or

12 (3) is an instructor for an education provider.

13 (c) If an education provider's annual License Examination Performance Record fails to exceed 40 percent in each of
14 the previous two license years and the education provider was certified by the Commission during the entire two years,
15 the Commission shall limit the education provider's certification such that the education provider shall not offer
16 prelicensing or postlicensing courses. Said limitation shall be effective July 1st of the calendar year following the
17 Commission's determination.

18 The education provider shall be eligible to have the limitation removed one year after the limitation is imposed
19 provided that the education provider has:

20 (1) provided a written plan describing the changes the education provider has made or intends to make
21 in its instructional program to improve the performance of the students on the license examination;

22 (2) consulted with a designated Commission staff member to review the written plan and needs for
23 improvement; and

24 (3) employed an instructor with no limitations to teach prelicensing and postlicensing courses.

25 (d) A limited education provider is eligible to renew its certification; however, a renewal shall not remove the
26 limitations provided under Paragraph (c) of this Rule.

27 (e) When ownership of a certified education provider is transferred and the education provider ceases to operate as
28 the certified entity, the certification is not transferable and shall terminate on the effective date of the transfer. All
29 courses shall be completed by the effective date of the transfer. The transferring owner shall report course
30 completion(s) to the Commission. The new entity shall obtain an original certification for each location where the
31 education provider will conduct courses as required by G.S. 93A-34 and Rule .0202 of this Section prior to advertising
32 courses, registering students, accepting tuition, conducting courses, or otherwise engaging in any education provider
33 operations.

34
35 *History Note: Authority G.S. 93A-4(d); 93A-34(c); 93A-35(c); 93A-38;*

36 *Eff. July 1, 2017;*

37 *Amended Eff. July 1, 2026; July 1, 2022; July 1, 2021; July 1, 2020.*