

**NOTICE OF INTENT**  
**Office of the Governor**  
**Real Estate Commission**

(LAC 46:LXVII.Chapters 1-57)

The Louisiana Real Estate Commission (“Commission”) has determined to amend its administrative rules in consideration of La. R.S. 49:964(D) and 966(K) and the April 1, 2025, Executive Order Number 25-038. During open meetings conducted on August 21, 2025, November 19, 2025, February 18, 2026, and March 19, 2026, the Commission reviewed 100 percent of its current administrative rules and the proposed rules and determined that the proposed rules are necessary, consistent with applicable law, aligned with its mission to protect the public interest by reasonably regulating real estate licensees, registrants, and certificate holders, and the benefits of the proposed changes outweigh their burdens and costs. Accordingly, the Commission hereby gives notice of its intent to initiate rulemaking and effectuate the proposed rules in accordance with the Administrative Procedure Act, R.S. 49:950 *et seq.*, and the authority granted by La. R.S. 37:1430 *et seq.*

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL STANDARDS**  
**Part LXVII. Real Estate**

**Subpart 1. Real Estate**  
**Chapter 1. Authority**

**§101. Adoption; Authority**

A. The rules and regulations of the Louisiana Real Estate Commission (“commission”) ~~contained herein~~ included in this Subpart have been adopted pursuant to and in compliance with the Louisiana Real Estate License Law (R.S. 37:1430 et seq.), and any violation of these rules or regulations, or of any real estate licensing law, shall be sufficient cause for any disciplinary action permitted by law.

B. This Subpart is comprised of administrative rules, which periodically include subject headings. The headings are for convenience of reference and shall not be interpreted to modify the intent of any such provision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:37 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 37:2998 (October 2011), LR 52:

**§103. Open Meetings via Electronic Means; Disability Accommodations**

A. 1. The commission is a state agency authorized to conduct open meetings via electronic means in accordance with R.S. 49:951 and the Open Meetings Law (R.S. 42:11 et seq), including but not limited to R.S. 42:17.2 and 17.2.1.

2. Commission members may attend and participate in open meetings via electronic means.

B. The commission shall provide for participation via electronic means on an individualized basis for persons with disabilities. "Persons with disabilities" means or includes the following:

1. A member of the public with a disability recognized by the Americans with Disabilities Act (ADA) or his or her designated caregiver; or

2. A participant commissioner member with an ADA-qualifying disability.

C. Upon receipt of any reasonable accommodation request by a person with disabilities, relative to participation via electronic means, the board's designated representative shall provide the requestor with the teleconference or videoconference link as soon as possible following receipt of the request but no later than the start of the scheduled meeting. Any other related reasonable accommodation request shall be considered in accordance with applicable law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2 and 17.2.1.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 52:

### **Chapter 3. Initial License Applications**

#### **§301. Forms**

Repealed.

~~A. Initial license applications shall be in such form and detail as prescribed by the commission and shall be accompanied by the fees prescribed in R.S. 37:1443.~~

~~B. Initial license applications shall be classed in the following categories:~~

~~1. salesperson;~~

~~2. broker individual;~~

~~3. broker corporation, partnership, limited liability company;~~

~~4. broker branch office.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:37 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1445 (August 2006), LR 37:2999 (October 2011), LR 52:

### **§303. Sponsorship; Broker Responsibility**

A. ~~All real estate salespersons and real estate salesperson license applicants~~ Applicants for a salesperson license shall be sponsored by an ~~active~~ actively licensed broker and shall submit the Affidavit of Sponsorship Form (Part B) prescribed by the commission as proof of sponsorship.

B. The Affidavit of Sponsorship Form (Part B) may be submitted with the initial license application, but the applicant shall complete and submit it to the commission no later than 90 days after passing the license examination.

C. If the Affidavit of Sponsorship Form (Part B) is not received within the prescribed 90 days, an inactive license shall be issued to the salesperson applicant, ~~who shall then be subject to the Louisiana Real Estate License Law and the commission rules and regulations regarding inactive licensees.~~

1. An active license shall not be issued until such time as the Transfer to Active Status Form prescribed by the commission is received.

2. Notwithstanding any other provision of this Section, the commission shall not issue any license to an applicant who has not successfully completed a criminal history record information check as required by the commission in accordance with La. R.S. 37:1435.1.

~~D.— Applicants for a broker license who elect to be sponsored by an active licensed broker shall be exclusively affiliated as an associate broker of the sponsoring broker.~~

~~E. D. Broker Responsibility. Active licensed brokers who elect to sponsor an applicant for a real estate license shall be subject to the duties and penalties prescribed for sponsoring brokers in the Louisiana Real Estate License Law and commission rules and regulations and shall bear the responsibility for the license obligated and individually responsible for the real estate activity of any sponsored licensee. The sponsoring broker may be subject to disciplinary action, pursuant to R.S. 37:1455, when his or her sponsored licensee violates any provision of R.S. 37:1430 et seq or this Subpart. , which shall also include ensuring timely license renewal prior to the practicing of real estate.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:37 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1445 (August 2006), LR 37:2999 (October 2011), LR 52:

### **§305. Documentation**

A. Individual applicants. All initial license applications for an individual real estate broker or salesperson license shall be submitted with at least the following documentation:

1. proof of completion of the real estate instruction hours ~~prescribed~~ required by R.S. 37:1437; and in accordance with the following:

a. real estate pre-license instruction hours obtained in other jurisdictions or otherwise from nationally recognized institutes may be accepted for full or partial credit at the discretion of the commission and shall be based on the applicability of the subject matter to current pre-license education requirements;

~~b. real estate pre-license instruction hours obtained from nationally recognized institutes may be accepted for full or partial credit at the discretion of the commission and shall be based on the applicability of the subject matter to current pre-license education requirements;~~

~~e. b.~~ every applicant for a Louisiana real estate license shall provide proof of at least 30 classroom hours of pre-license instruction that includes the Louisiana Real Estate License Law, ~~rules and regulations of the commission~~ this Subpart, Louisiana Civil Law, ~~as it relates relating~~ to real estate, and any other instruction hours the commission deems necessary and appropriate;.

2. license history verification from each jurisdiction in which the applicant ~~has held~~ ~~or currently holds~~ or previously held a real estate license;

3. verification of passing an equivalent real estate license examination, if the applicant is currently or was previously a ~~resident~~ licensee in another jurisdiction;

4. copy of any trade name or trademark registration issued by the Secretary of State for use by the individual broker or salesperson applicant in real estate ~~license activities~~ activity.

~~5. — applicants for an initial individual real estate broker license shall provide proof that they have been licensed as an active real estate licensee for four years, with two of the four years occurring immediately preceding submission of a broker license application.~~

B. Brokerage company applicants. Every application for a corporation, partnership, or limited liability company broker license shall be submitted by the designated qualifying broker with at least the following documentation:

1. - 2. ...

3. copy of any trade name or trademark registration issued by the Secretary of State for use by the corporation, partnership or limited liability company in real estate ~~license activities~~ activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 32:1445 (August 2006), repromulgated LR 37:2999 (October 2011), amended LR 42:1886 (November 2016), LR 52:

### **§307. Names on Licenses, Registrations and Certificates; Trade Names**

A. Legal name. Licenses, registrations, and certificates issued to individual real estate brokers, real estate salespersons, timeshare registrants, and real estate school instructors shall be issued in the legal name of the individual person.

B. Company name. Licenses, registrations, and certificates issued to a corporation, partnership, or limited liability company for any purpose shall be issued in the identical name as registered with the Secretary of State. A license, registration, or certificate shall not be issued to any corporation, partnership, or limited liability company not registered and in good standing with the Secretary of State.

C. Trade name. Names on licenses, registrations, and certificates issued by the commission shall not include a trade name, unless the trade name is registered with the Secretary of State and a copy of the registration is on file at the commission.

D. Revocation; effect. The name of a licensee whose real estate license has been revoked by the commission shall not appear on any license in a manner that represents, suggests, or implies that the former licensee is licensed by the commission.

E. Distinguishable name. Any name or trade name used by a licensee, registrant, or certificate holder in any manner shall be a clearly identifiable entity that can be distinguished from that of another licensee, registrant, or certificate holder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:2999 (October 2011), LR 52:

## **Chapter 5. Examinations**

### **§501. Authorization; Effectiveness**

A. The commission shall issue an examination authorization to each eligible applicant. The examination authorization shall be valid for one year.

B. ~~It shall be the responsibility~~ is the obligation of each applicant, ~~who that~~ has received an examination authorization from the commission, to contact the designated national testing service for an appointment to take the examination.

C. An applicant whose examination authorization expires prior to the applicant taking the examination shall receive a new examination authorization ~~upon~~ only after submission of a new application and the processing fee prescribed in R.S. 37:1443.

~~D.—The commission shall provide each applicant with a license information bulletin that contains the examination procedures established by the commission and the designated testing service. Failure to comply with the procedures contained in the license information bulletin may result in disqualification from the examination and the forfeiture of all fees.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:38 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1446 (August 2006), repromulgated LR 37:3000 (October 2011), amended LR 49:655 (April 2023), LR 52:

### **§503. Disqualification of Applicants**

Repealed.

~~A.—Any applicant who copies or communicates or attempts to copy or communicate examination content shall be considered in violation of examination security, which shall be grounds for denial of a license and the forfeiture of all fees.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:38 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1446 (August 2006), LR 37:3000 (October 2011), LR 52:

### **§505. Prohibited Activities**

~~A. Licensees, certificate holders, registrants, school owners or school directors, and persons employed by or associated with a licensee, certificate holder, registrant, school owner or school director, No person shall not obtain, or attempt to obtain, copy, communicate, or attempt to copy or communicate by deceptive or fraudulent means any copyrighted test questions and/or confidential test examination material used by or belonging to any national testing service currently or previously contracted with the commission.~~

~~B. Violations Any violation of this Section shall be cause for censure, suspension, or revocation of a license, certificate, or registration and shall also be cause for denial of a license and the forfeiture of all fees.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:38 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1446 (August 2006), repromulgated LR 37:3000 (October 2011), LR 52:

### **§507. Failure of Examination; Effects**

A. ~~Any An applicant who fails an to pass a required examination within one year of the date the examination authorization was issued by the commission in accordance with Section 501 of~~

this Subpart may apply to retake the examination. After one year, the such examination authorization shall expire, and the applicant shall be required to submit a new application and remit all prescribed fees to be eligible for the licensing examination.

B. An applicant who does not pass both the state and national portions of the examination shall be required to retake only the failed portion. ~~only; however, the score on the passed portion shall remain valid for a period of one year, after which time the applicant shall be required to retake it.~~

C. Each passing examination score shall remain valid and effective for one year from such examination date, after which time the applicant shall be required to retake the examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:38 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1446 (August 2006), LR 37:3000 (October 2011), amended LR 49:655 (April 2023), LR 52:

## **Chapter 7. Fees**

### **§701. Duration of Fees**

A. Fees for licenses, certificates, and registrations shall ~~cover a period of~~ be effective for one calendar year and shall not be prorated.

B. Except as otherwise provided in ~~these rules and regulations~~ this Subpart, all fees submitted to the commission are non-refundable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:39 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1447 (August 2006), repromulgated LR 37:3000 (October 2011), LR 52:

### **§705. Returned Checks**

A. Payment of any fee with a check that is returned by a financial institution, wherein the reason for not paying the check is not a the fault of the financial institution, shall be grounds for cancellation of the transaction for which the fee was submitted and/or the censure, suspension, or revocation of a license, registration, or certificate.

B. ~~Persons issuing checks that are~~ Any person who issues a check that is returned to the commission by a financial institution for any reason shall be notified by certified mail at the most in writing at his or her current address of record. Within 10 days from the date of the notification, the person issuing the check shall remit a certified check, cashier's check, or money order, to the commission in the amount of the returned check, plus the processing fee prescribed in R.S. 37:1443.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:39 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1447 (August 2006), LR 37:3000 (October 2011), LR 52:

## **Chapter 9. Renewal of Licenses, Registrations, and Certificates**

### **§901. Timely Submission of License, Registration, or Certificate Renewal**

A. ~~It shall be the responsibility of the~~ is the obligation of each individual licensee, registrant, or certificate holder to ensure that the renewal of ~~an~~ his or her individual license, registration, or certificate has been fully completed and timely submitted to the commission with the ~~required~~ required fees required by R.S. 37:1443.

B. ~~The commission shall not issue a renewal license of to~~ a salesperson or associate broker ~~shall not be issued~~ before the license of ~~the~~ his or her sponsoring broker ~~is~~ has been renewed.

C. A licensee, registrant, or certificate holder who fails to renew by December 31 is prohibited beginning January 1 from engaging in any ~~activities~~ activity requiring a license, registration, or certificate.

D. A licensee whose sponsoring broker fails to renew by December 31 is prohibited beginning January 1 from engaging in any ~~activities~~ activity requiring a license until such time as the licensee becomes sponsored by a duly-licensed, sponsoring broker.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:39 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1447 (August 2006), LR 37:3001 (October 2011), amended LR 49:655 (April 2023), LR 52:

### **§907. Education Hours Required for Renewal**

~~A. Each licensee renewing in the active status shall complete 12 hours of approved course work prior to license renewal. A minimum of four of the 12 hours shall be completed in annual mandatory topic(s) designated by the commission.~~

~~B. All initial licensees shall complete 45 post license hours within 180 days of the initial license date. Post licensing education credit hours may be used to satisfy no more than eight of the twelve annual continuing education credit hours required by law and shall not satisfy the mandatory topic requirements imposed by law or this Section.~~

~~C. A.~~ Licensees shall not receive duplicate credit for attending the same continuing education course from the same vendor in the same year.

~~D. Education that is not obtained through an approved real estate continuing education vendor~~

B. Education courses not previously approved by the commission shall be submitted to the commission prior to renewal for review and approval towards the annual continuing education requirement prescribed in required by R.S. 37:1437. The commission shall consider such education on an individual basis.

~~E. Course work completed by licensees through non-approved providers will be considered for credit by the commission on an individual basis.~~

~~F. C. Licensees seeking approval for course work obtained through non-approved providers must apply directly to the Education Division for credit toward the license renewal requirement. Each submission shall include a cover letter that contains education courses not previously approved by the commission shall apply to the commission for education credit by submitting the licensee's complete name, mailing address, and telephone number, with the following documentation:~~

1. ~~certificate of completions~~ certificate(s) of completion;

C.2. - C.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:40 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1447 (August 2006), LR 37:3001 (October 2011), amended LR 49:655 (April 2023), LR 52:

## **Chapter 15. Transfers and Terminations**

### **§1501. Forms**

A. A request to terminate sponsorship of a licensee or to transfer a licensee to a new broker shall be submitted on forms prescribed by the commission and shall be accompanied by the fees ~~prescribed in~~ required by R.S. 37:1443.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:40 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1448 (August 2006), repromulgated LR 37:3001 (October 2011), LR 52:

### **§1503. Fee Exemptions**

A. A request for license transfer that is submitted within 60 days of any of the following circumstances shall be exempt from the transfer fee ~~or delinquent renewal fee prescribed in~~ required by R.S. 37:1443:

A.1. - A.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:40 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1448 (August 2006), repromulgated LR 37:3001 (October 2011), LR 52:

**§1505. Purchase or Acquisition of Agencies; Notice Requirements**

A. Commission notice. When a licensed agency real estate brokerage company purchases or otherwise acquires another licensed agency real estate brokerage company, the sponsoring or qualifying broker of the acquiring agency brokerage company shall notify the commission in writing no later than ~~the fifth working day following~~ 7 days after the date of acquisition.

~~B.~~ The notice shall specify the date of acquisition and shall request a transfer to the acquiring agency brokerage company for all licensees sponsored by the acquired agency brokerage company.

~~1.~~ The sponsoring broker for the acquired agency shall return the licenses of all sponsored licensees to the commission no later than ~~the fifth working day following~~ the date of acquisition.

~~2.~~ B. Transfer date. The commission shall issue new licenses to the acquiring agency brokerage company for each licensee sponsored by the acquired agency brokerage company. The effective date of transfer to the acquiring agency brokerage company shall be the date of acquisition specified in the notification.

C. Errors and omissions insurance. The ~~notification notice~~ of acquisition shall certify continuous errors and omissions insurance coverage for all licensees that are transferred to the acquiring agency brokerage company. If the transfer of licensees necessitates payment to the commission for coverage under the commission group errors and omission insurance policy, a listing of all licensees for which coverage is requested and all applicable fees shall accompany ~~the notification~~ such notice.

D. Licensee notice. The sponsoring broker of the acquiring agency brokerage company shall give written notice to all licensees transferred to the acquiring agency ~~within five working days following~~ brokerage company no later than 7 days after the date of acquisition.

~~E.~~ Any licensee of the acquired agency who elects to transfer from the acquiring agency shall do so in accordance with the provisions of R.S. 37:1441.A and § 1501.A of this Chapter.

~~F.~~ Any licensee of the acquired agency who is terminated by the acquiring agency shall be transferred in accordance with the provisions of R.S. 37:1441.A and §§ 1501.A and 1503.A.5 of this Chapter.

~~G.~~ E. Mandatory report. The acquiring agency brokerage company shall provide a written report to the commission on the status of all former licensees of the acquired agency brokerage company within 15 days following the acquisition.

1. The ~~notification~~ report shall include a listing by category that identifies:

a. each licensee that requested the ~~return of their license to the commission termination of his or her sponsorship~~;

b. each licensee that is being terminated by the acquiring ~~agency brokerage company~~;

c. each licensee that will remain with the acquiring ~~agency brokerage company~~.

2. The ~~notification report~~ shall include the following documentation and fees:

~~a. the license of each licensee that will not remain with the acquiring agency;~~

~~b. a.~~ copies of the written ~~notification notice~~ to and/or from each licensee as required by ~~§ 1505.D of this Chapter~~ Subsection (D) of this Section;

~~e. b.~~ payment of the transfer fee ~~prescribed in~~ required by R.S. 37:1443 for each licensee who was sponsored by the acquired ~~agency brokerage company~~ and who will remain with the acquiring ~~agency brokerage company~~;

~~d. c.~~ payment of the errors and omissions insurance fee ~~prescribed in § 1505.C of this Chapter~~ required by R.S. 37:1466 and Subsection (C) of this Section, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:41 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1448 (August 2006), LR 37:3001 (October 2011), LR 52:

### **§1507. Change of Licensing Status**

~~A. — A request to transfer a license from active to inactive status or from inactive to active status shall be submitted on forms prescribed by the commission and shall be accompanied by the fees prescribed in R.S. 37:1443, unless exempt as prescribed in § 1503 of this Chapter.~~

~~B. A.~~ Corporate, partnership and limited liability company broker licenses shall remain in the active license status.

~~C. B.~~ Associate brokers. An individual broker ~~that~~ who elects to become exclusively affiliated with a sponsoring broker shall submit a request to transfer on forms prescribed by the commission, which shall be accompanied by the fees ~~prescribed in~~ required by R.S. 37:1443. Prior to submitting the request to transfer, the individual broker shall notify any sponsored licensees of the intended transfer and shall complete and submit a termination of sponsorship ~~as prescribed by the commission~~ as required by R.S. 37:1441 for each sponsored licensee.

~~D. — A licensee may transfer to inactive status without completing the applicable education requirement; however, the commission shall not transfer the licensee to active status until such time that the education requirement is complete.~~

~~E. C. For any licensee who transferred to inactive status prior to completing the post-license education required by R.S. 37:1437, completion of such~~ The post-license education hours may be used to satisfy the continuing education hours, or a portion of the continuing education hours required by R.S. 37:1437.3 for active status as follows:

1. one to five years of inactive status – 45 hours of post-license education in lieu of the required continuing education. ~~Any licensee remaining in the inactive status for more than one year shall also complete a four-hour continuing education course covering the Louisiana Real Estate License Law and/or commission rules and regulations within one year prior to the date of the transfer to active status;~~

2. more than five years of inactive status – 45 hours of post-license education and at least 35 hours of continuing education. ~~Any licensee remaining in the inactive status for more than one year shall also complete a four-hour continuing education course covering the Louisiana Real Estate License Law and/or commission rules and regulations within one year prior to the date of the transfer to active status.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:41 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 28:485 (March 2002), amended LR 32:1449 (August 2006), LR 37:3002 (October 2011), amended LR 49:656 (April 2023), LR 52:

## **Chapter 17. Termination Responsibilities**

### **§1701. Relinquishment of Business-Related Property and Data**

A. A licensee whose business relationship with a sponsoring broker has been terminated for any reason shall immediately relinquish all business-related property to the sponsoring broker, including:

1. the keys to ~~any~~ and all properties listed with the broker; and
2. any documents that in any way pertain to real estate transactions wherein a broker or licensees sponsored by the broker has appeared in a licensing capacity. This Paragraph does not ~~preclude-prohibit~~ the licensee from retaining copies of such documents.

B. ~~Any violation of this Section constitutes a violation of this Subpart. A sponsoring broker who alleges the failure of a former sponsored licensee to comply with § 1701.A of this Chapter shall submit a signed written report of such failure to the commission. The signed report shall constitute a written complaint filed with the commission and shall list the specific business-related~~

~~data and property that was not relinquished to the sponsoring broker. The sponsoring broker shall provide a copy of the report to the licensee.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:41 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1449 (August 2006), repromulgated LR 37:3002 (October 2011), LR 52:

### **§1703. Financial Obligations; Commissions and Dues; Disputes**

A. The commission shall not intervene or become ~~otherwise~~ involved in employment disputes or disputes pertaining to financial obligations that are the result of a business relationship between a broker and a sponsored licensee or a timeshare developer and timeshare sales registrant, including the payment of commissions and dues to professional organizations. Such disputes shall be settled by the respective parties or by a court of competent jurisdiction.

~~B. — Employment disputes or disputes over financial obligations, commissions, or dues shall not be cause for the failure of a sponsoring broker to return a license or registration to the commission.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:41 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1449 (August 2006), repromulgated LR 37:3002 (October 2011), LR 52:

## **Chapter 18. Broker Responsibilities**

### **§1801. Broker Supervision**

A. Written authorization. A broker ~~must~~ shall provide a sponsored licensee with written notice and acknowledgement of the real estate activities that the broker authorizes the sponsored licensee to engage in ~~under~~ as described in R.S. 37:1431(24).

B. Recordkeeping. A broker who sponsors licensees or is a qualifying broker for a corporation shall have written policies and procedures ~~to~~ and maintain written records that ensure the following:

1. each sponsored licensee maintains ~~their~~ his or her license in the active status at all times ~~while they are engaging~~ he or she is engaged in real estate activity ~~activities~~ as described in R.S. 37:1431(24).

2. each sponsored licensee complies with ~~the~~ applicable advertising and team ~~rules~~ requirements imposed by this Subpart and the Louisiana Real Estate License Law (R.S. 37:1430 et seq);

3. a method and process for the sponsored licensee to provide documents to the broker for compliance with record keeping requirements imposed by this Subpart and the Louisiana Real Estate License Law (R.S. 37:1430 et seq).

C. ~~Listings and other agreements for real estate brokerage services must~~ Real estate agreements. Listing agreements and other written agreements related to real estate activity shall be solicited under in the name of the broker corporation or supervising broker. These agreements shall be signed either by the broker or by a sponsored licensee acting ~~under~~ pursuant to written authority of ~~the~~ his or her sponsoring broker.

D. Financial responsibility. A broker ~~must~~ shall maintain the rental trust account, the sales escrow account, and the security deposits trust account with appropriate controls for deposits and disbursements of funds received on behalf of consumers, ~~;~~ and

E. Qualifying broker. When the broker is a business entity, the qualifying broker is the person responsible for the broker supervision required by ~~responsibilities under~~ this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1435.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 43:954 (May 2017), LR 52:

### **§1803. Record Keeping**

A. In a format that is readily available to the commission and for a period of no less than five years, a broker ~~must~~ shall maintain at minimum the following records:

1. all disclosures;
2. listing agreements, buyer representation agreements, ~~other~~ any written agreements that authorize licensees to advertise or represent property for sale or lease, ~~other~~ and any written agreements that authorize licensees to receive compensation;
3. contracts and all related addenda;
4. receipts and disbursements of compensation for ~~services as defined under~~ real estate activity as described in R.S. 37:1431(24);

A.5. - A.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1435.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 43:954 (May 2017), LR 52:

### **§1805. Compensation; Team Limitations**

A. Licensees who are part of a group or team shall not receive compensation for ~~acts or services subject to real estate activity, as described in R.S. 37:1431(24),~~ from anyone ~~within their team~~ other than the sponsoring broker.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1435.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 43:954 (May 2017), amended LR 44:771 (April 2018), LR 52:

## **Chapter 19. Real Estate Teams and Groups**

### **§1901. ~~Definitions~~ Definition; Team or Group**

A. ~~For the purpose of this Chapter, team or group shall mean~~ For the purposes of this Subpart, “team” or “group” means a collective name used by two or more real estate licensees, who represent themselves to the public as a part of one entity that performs ~~real estate license activities under real estate activity subject to the supervision of the same sponsoring broker.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1430 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 40:2245 (November 2014), LR 52:

### **§1903. Team and Group Sponsorship; Leaders**

A. ~~Team or group members shall be sponsored by the same broker, and, if applicable, shall conduct all real estate license activity from the office or branch office where their individual license is held.~~

B. Written authorization. Licensees shall not form a team or group without written approval from the sponsoring broker.

C. Contact of record. The sponsoring broker shall designate a member of each approved team or group as the contact member responsible for all communications between the broker and the team.

1. Team or Group Leaders. The designated contact member of each team or group shall maintain a current list of all team or group members, which shall be provided to the sponsoring broker upon formation of the team or group and immediately upon any change thereafter.

2. A current record of all team or group names, and the members thereof, shall be maintained by the sponsoring broker in a manner that can be made readily available to the commission upon written request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1430 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 40:2245 (November 2014).

### **§1905. Team or Group Names**

A. Team or group names shall not contain terms that could ~~lead~~ mislead the public to believe that the team or group is offering real estate ~~brokerage~~ services independent of the sponsoring broker. These terms shall include, but are not limited to:

A.1. - A.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1430 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 40:2245 (November 2014), LR 52:

### **§1907. Team or Group Leaders**

Repealed.

~~A. The sponsoring broker shall be responsible for all license activity of team or group members sponsored by the broker.~~

~~B. The designated contact member of each team or group shall maintain a current list of all team or group members, which shall be provided to the sponsoring broker upon formation of the team or group and immediately upon any change thereafter.~~

~~C. A current record of all team or group names, and the members thereof, shall be maintained by the sponsoring broker in a manner that can be made readily available to the LREC upon request, including record inspections.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1430 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 40:2245 (November 2014), LR 52:

### **§1909. Team Advertising**

A. A team or group name shall not be used in advertising without ~~the~~ prior written approval of the sponsoring broker.

B. The term “team” or “group” may be used to advertise real estate ~~license activities provided that~~ activity but only when all the following conditions are satisfied:

B.1. - B.2. ...

3. the advertising complies with all other applicable provisions of this ~~Chapter and LAC 46:LXVII.Chapter 25 of these rules and regulations~~ Subpart.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1430 et seq.  
HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 40:2245 (November 2014), LR 52:

## **§1911. Disputes**

Repealed.

~~A. The commission shall not intervene or become otherwise involved in team or group disputes, including those pertaining to financial obligations that are the result of a business relationship between a team or group, team or group member, branch manager, sponsoring broker, or any combination thereof, including the payment of commissions and dues to professional organizations. Such disputes shall be settled by the respective parties or by a court of competent jurisdiction.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1430et seq.  
HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 40:2245 (November 2014), LR 52:

## **Chapter 21. Concurrent Licenses and Registrations**

### **§2101. Broker or Salesperson License; Timeshare Interest Salesperson Registration**

A. A broker may be concurrently licensed both as an individual and as the designated qualifying broker of one or more corporations, limited liability companies, and/or partnerships.

B. ...

C. 1. A real estate license and a timeshare interest salesperson registration shall not be issued concurrently to any person.

2. A broker shall not ~~concurrently~~ conduct real estate ~~activities~~ activity concurrently as both an individual real estate broker and as an associate broker exclusively affiliated with another real estate broker.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:42 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1450 (August 2006), repromulgated LR 37:3003 (October 2011), LR 52:

## **Chapter 23. Branch Offices**

### **§2301. Branch Office License; Branch Office Manager; Written Designation**

A. Branch office. An office established by a broker or sponsored licensee for conducting any real estate license activity at a separate address from the registered address of the broker, wherein

the name and telephone number of the broker or agency is advertised in any way, shall be considered a branch office and shall be licensed as such in accordance with R.S. 37:1444.

B. Form. An application for a branch office license shall be submitted on the forms prescribed by the commission and accompanied by the fees ~~prescribed in~~ required by R.S. 37:1443.

C. 1. Branch office manager; written designation; duties. Every branch office shall be ~~under~~ subject to the direct supervision of a licensed individual broker, who shall be designated in writing as the branch office manager. A copy of the designation shall be submitted to the commission within five days, following the date of the original designation or any changes thereto.

2. Nothing shall preclude a sponsoring broker from acting as the branch office manager for one or more branch offices.

~~D.~~ 3. A broker designated as a branch office manager shall be subject to the duties ~~and penalties prescribed for~~ imposed on sponsoring brokers ~~in~~ by this Subpart and R.S. 37:1430 et seq.; however, this ~~shall~~ Section does not relieve the sponsoring broker of the ultimate obligation and responsibility for the branch office operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:42 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 28:829 (April 2002), amended LR 32:1450 (August 2006), LR 37:3003 (October 2011), LR 52:

## **Chapter 25. Advertising; Disclosures; Representations**

### **§2501. Disclosures and Representations**

~~A. — Agreements between brokers to allow property data to be shared and disseminated to clients, customers, or prospective clients, including but not limited to web-based or email multiple listing service property data, IDX or VOW property data does not constitute advertising or advertisement as to the property data shared.~~

~~B. A.~~ All advertising for real property listed by or services performed by a licensed individual real estate broker or a licensed corporation, limited liability company, or partnership, and any advertising for property listed by or services performed by a licensed individual real estate broker or a licensed corporation, limited liability company, or partnership by sponsored licensees or employees, shall be under real estate licensee or the employees thereof shall be subject to the direct supervision of and approved by the licensed individual prior written approval of the sponsoring real estate broker or designated qualifying broker of the licensed corporation, limited liability company, or partnership.

~~C. — Any trade name used by a licensee, registrant or certificate holder in advertising shall be a trade name that is a clearly identifiable entity that will distinguish itself from other licensees, registrants or certificate holders.~~

~~D. B.~~ All advertising by a licensed salesperson, associate broker, individual real estate broker, or licensed corporation, limited liability company, or partnership shall include the individual name, business name, or trade name of record with the commission, which for the purpose of these rules shall mean the name in which that salesperson, associate broker, individual real estate broker, or licensed corporation, limited liability company, or partnership is on record with the commission as doing business as a licensee of the commission or, in the case of a trade name, that which is registered with the Secretary of State and on record with the commission.

~~E.~~ A group or team name may be used in an advertisement only with the approval of the sponsoring broker. Any person listed as a group or team member in the advertisement must be a licensee sponsored by the sponsoring broker.

~~F. C.~~ In all advertising, the salesperson or associate broker must include the name and telephone number of the sponsoring broker. The broker's name and telephone number ~~must~~ shall be conspicuous, discernible and easily identifiable by the public.

~~G. D.~~ If allowed by the sponsoring broker, the salesperson or associate broker may include in the advertisement:

D.1. - D.2. ...

3. a group or team name, as long as the advertising complies with all other applicable provisions of this ~~Chapter and LAC 46:LXVII.Chapter 19~~ of these rules and regulations Subpart; and

D.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:42 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 28:829 (April 2002), LR 29:127 (February 2003), LR 32:1450 (August 2006), LR 37:3003 (October 2011), LR 40:2244 (November 2014), LR 52:

### **§2503. Owner Authorization**

Repealed.

~~A.~~ No broker or licensee sponsored by said broker shall in any way advertise property belonging to other persons as being for sale or rent or place a sign on any such property offering the property for sale or rent without first obtaining the written authorization to do so by all owners of the property or their authorized attorney in fact.

~~B.~~ Undivided real estate may be offered for sale or lease with the written consent of the owner of the property to be sold or leased as to his undivided portion of the property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:43 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3004 (October 2011), LR 52:

### **§2505. Accuracy in Advertising**

A. All advertising shall be an accurate representation of the property or service advertised.

~~B. No broker or licensee sponsored by said broker~~ real estate licensee, registrant, or certificate holder shall use advertising ~~which~~ that is false, misleading, or inaccurate, or in any way misrepresents any property, terms, value, policies, or services, ~~of the business conducted.~~

~~C. The advertising~~ Advertising shall not include ~~any~~ the name or trade name of any ~~franchiser or real estate organization or association~~ organization, association, or franchise of which the licensee is not a member or franchisee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:43 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3004 (October 2011), LR 52:

### **§2507. Advertisements of Residential Property; Date Requirement**

A. All ~~printed~~ advertisements for the sale or lease of residential real estate shall indicate the month and year the advertisement is posted, printed, published, or distributed. Advertisements ~~printed or published in newspapers, real estate trade publications and commercial magazines and brochures~~ bearing an issue or publication date ~~will~~ shall be considered in compliance with this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:43 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3004 (October 2011), LR 52:

### **§2509. Advertisements by Franchise Organizations**

A. Any licensed broker or salesperson affiliated with a franchise organization ~~must~~ shall disclose ~~to the public~~ in all advertising that the real estate brokerage ~~firm~~ is independently owned and operated, ~~in all advertising.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:43 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3004 (October 2011), LR 52:

### **§2511. Agent Owner-Licensed Agent**

A. A licensed broker or salesperson who offers property, in which he or she owns any interest, ~~as being~~ for sale or rent shall state in any advertising, and on any sign placed on the property, that he or she is a licensed real estate agent.

B. Any licensed broker or salesperson ~~that~~ who advertises, or offers to purchase or rent property for his or her own full or partial interest shall state in any advertisement that he or she is a licensed real estate agent.

C. Including the term “licensed real estate agent” in any advertisement or on any sign shall be sufficient to satisfy ~~this~~ the requirement imposed by this Section.

D. This Section is not applicable to the sale, rental, or acquisition of property by licensees ~~under~~ pursuant to a contractual agreement with a licensed Louisiana real estate broker.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:43 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 37:3004 (October 2011), LR 52:

### **§2515. Internet Advertising**

A. A real estate broker advertising or marketing ~~on a site~~ real property on the Internet ~~must or via any electronic communication shall~~ include the following data ~~on each page of the site on which the advertisement appears~~ at least once in the communication or advertisement:

A.1. - A.2. ...

3. ~~the regulatory~~ state(s) or other legal jurisdiction(s) in which the broker holds a real estate brokerage license.

~~B. A real estate broker using any Internet electronic communication for advertising or marketing, including but not limited to, e-mail, email discussion groups, and bulletin boards, must include the following data on the first or last page of all communications:~~

~~1. the broker's name or trade name as registered with the commission;~~

~~2. the city and state in which the broker's main office or branch office is located.~~

~~3. the regulatory jurisdiction(s) in which the broker holds a real estate brokerage license.~~

~~C. B. An associate broker or salesperson advertising or marketing on a site~~ real property on the Internet ~~must or via any electronic communication shall~~ include the following data ~~on each page of the site on which the licensee's advertisement or information appears~~ at least once on or in the communication or advertisement:

1. the associate broker's or salesperson's name as registered with the commission;
2. the name or trade name ~~of the licensed broker or agency listed on the license~~ of the sponsoring or qualifying broker of the salesperson or associate broker;
3. the city and state in which the sponsoring or qualifying broker's main office or branch office is located; and
4. the regulatory state(s) or other legal jurisdiction(s) in which the broker holds a real estate brokerage license.

~~D. — An associate broker or salesperson using any Internet electronic communication for advertising or marketing, included but not limited to, e-mail, email discussion groups, and bulletin boards, must include the following data on the first or last page of all communications:~~

- ~~1. — the associate broker's or salesperson' name;~~
- ~~2. — the name or trade name of the licensed broker or agency listed on the license of the salesperson or associate broker;~~
- ~~3. — the city and state in which the broker's main office or branch office is located.~~
- ~~4. — the regulatory jurisdiction(s) in which the broker holds a real estate brokerage license.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:43 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 28:829 (April 2002), LR 37:3004 (October 2011), LR 38:1022 (April 2012), LR 52:

## **Chapter 26. Residential Property Management**

### **§2601. Definitions**

~~*Property Management* — the marketing, leasing, or overall management of real property for others for a fee, commission, compensation, or other valuable consideration.~~

~~*Property Manager* — one who, for a fee, commission, or other valuable consideration, manages real estate, including the collection of rents, supervision of property maintenance, and accounting for fees received for another.~~

A. *Residential Real Property* – real property consisting of one or not more than four residential dwelling units, which are buildings or structures each of which are occupied or intended for occupancy as single-family residences.

B. “Property management” and “property manager” shall have the meanings ascribed to those terms in R.S. 37:1431.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 45:421 (March 2019), LR 52:

**§2603. Property Management; Written Authorization**

A. ~~Licensees~~ No real estate licensee shall not engage in property management on behalf of another without written authorization from the property owner(s). Salespersons and associate brokers shall not conduct property management functions on behalf of another; except through their the sponsoring broker and with his or her prior written authorization.

B. Written authorization to manage property ~~must at minimum~~ shall include at least the following:

B.1. - B.2. ...

3. the effective time period of the agreement; and

4. the management fees charged to the property owner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 45:422 (March 2019), LR 52:

**§2605. ~~Trust Funds, Deposits, and Accounts for Property Management~~ Accounting**

A. ~~Licensees~~ Any real estate licensee who is engaged in property management on behalf of another shall open, manage, and maintain accounts in accordance with Chapter 27 of this Subpart and the Louisiana Real Estate License Law, including but not limited to R.S. 37:1449. ~~the rules and regulations of the commission.~~

B. ~~All security deposit and rental trust funds shall not be withdrawn for any purpose except:~~

1. ~~upon the mutual written consent of all parties having an interest in the funds;~~

2. ~~upon court order;~~

3. ~~to deposit funds into the registry of the court in a concursus proceeding;~~

4. ~~to disburse funds upon a reasonable interpretation of the contract that authorizes the broke to hold such funds, provided that the disbursement is not made until 10 days after the broker has notified all parties and licensees in writing;~~

~~5. — to cover the payment of service charges on security deposit and rental trust accounts;~~

~~6. — upon approval by the commission in connection with the sale or acquisition of a licensed entity;~~

~~7. — to comply with the provision of 9:3251 or any other state or federal statute governing the transfer of rents, security deposits or other escrow funds.~~

~~C. — Deposits shall be disbursed within 30 days of an agreement between the principles in a real estate transaction.~~

~~D. — A licensee who receives funds on behalf of another for property management shall maintain a ledger for each property managed. This ledger must clearly document all funds received and disbursed to, and on behalf of, the property owner.~~

~~E. — A licensee who accepts cash payments on behalf of an owner must retain written receipts. These receipts must include at minimum the date, the amount, the property address, the reason for the payment, the tenants name, and the name and signature of the licensee or employee who received the funds on behalf of the brokerage.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 45:422 (March 2019), LR 52:

## **§2607. Property Management Records**

A. Licensees Each real estate licensee engaged in property management shall retain all of the following records, readily available and properly indexed, for a period of five years:

1. Bank statements, deposit slips, management agreements, lease agreements, owner ledgers or statements, deposit slips, disbursement checks, invoices, cash receipts, and any other documents ~~that pertain to the management of the~~ relating to property management.

2. Copies of all documents ~~that pertain~~ relating in any way to each real estate ~~transactions~~ transaction wherein the individual real estate broker or one or more licensees sponsored by the individual real estate broker have appeared in a licensing capacity.

B. The recordkeeping requirement ~~regarding copies~~ imposed by this Section shall not be altered by the transfer of a broker to that of an associate broker, an unlicensed person, or an inactive licensee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 45:422 (March 2019), LR 52:

## §2609. Exemptions

Repealed.

~~A. The provisions of this section shall not apply to an unlicensed person, partnership, limited liability company, association or corporation, foreign or domestic, who performs acts of ownership regarding the property, either individually or through an employer or representative.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 45:422 (March 2019), LR 52:

## Chapter 27. Escrow and Trust Accounts

### §2701. ~~Resident Broker~~ Escrow and Trust Accounts; Requirements

A. 1. Sales escrow accounts. ~~A resident~~ Any real estate broker, including corporations, partnerships and limited liability companies, who accepts any funds on behalf of clients in a real estate sales transaction shall open and maintain a sales escrow checking account in a financial institution in ~~the state of~~ Louisiana.

2. All sales escrow accounts shall be titled in the identical wording as stated on the broker's license, and the wording "Sales Escrow Account" shall be imprinted on all checks and bank statements issued in connection with this account.

3. Except as otherwise provided in this Chapter, all funds received by a broker in connection with the sale of real estate shall be deposited in this account when there is a written contract to buy and sell real estate that has been fully executed and accepted by both buyer and seller.

B. 1. Rental trust accounts. ~~A resident~~ Any real estate broker, including corporations, partnerships and limited liability companies, ~~engaged who engages in the management of property owned by other persons~~ property management shall open and maintain a rental trust checking account in a financial institution in ~~the state of~~ Louisiana.

2. All rental trust accounts shall be titled in the identical wording as stated on the broker's license, and the wording "Rental Trust Account" shall be imprinted on all checks and bank statements issued in connection with this account.

3. Except as otherwise provided in this Chapter, all funds collected as rental payments from or on behalf of clients in connection with ~~the management of properties owned by other persons~~ property management shall be deposited into this account.

C. 1. Security deposit trust accounts. ~~A resident~~ Any real estate broker, including corporations, partnerships and limited liability companies, ~~engaged who engages in the collection of rental security or damage deposits in connection with property management activities on behalf~~

of clients shall open a security deposit trust checking account in a financial institution in the state of Louisiana.

2. All security deposit trust accounts shall be titled in the identical wording as stated on the broker's license, and the wording "Security Deposit Trust Account" shall be imprinted on all checks and bank statements issued in connection with this account.

3. Except as otherwise provided in this Chapter, all funds collected as rental security or damage deposits ~~from or on behalf of clients~~ in connection with property management shall be deposited into this account.

D. Notwithstanding any other provision of this Subpart, real estate salespersons are prohibited from opening and maintaining sales escrow checking accounts, rental trust checking accounts, and security deposit trust checking accounts relative to real estate activity and from otherwise accounting for or holding client funds outside of the custody of the sponsoring broker.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:44 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1451 (August 2006), LR 37:3005 (October 2011), LR 52:

### **§2703. Non-Resident Broker Requirements**

A. Non-resident brokers shall open and maintain sales escrow checking accounts, rental trust checking accounts, and security deposit checking accounts, ~~as provided in § 2701 of in accordance with this Chapter; however, a non-resident broker these accounts shall be opened and maintained~~ may open and maintain such accounts either in a Louisiana financial institution or a financial institution located in the resident state of ~~the~~ that broker.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:44 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1451 (August 2006), LR 37:3005 (October 2011), LR 52:

### **§2705. ~~Change in License Status;~~ Associate Broker and Inactive Broker Requirements**

A. ...

B. An associate broker ~~previously licensed as an individual broker or an active broker transferring~~ who transfers to inactive status:

1. shall maintain all sales escrow checking accounts, rental trust checking accounts, or security deposit trust checking accounts for the limited and specific purpose of completing pending transactions and disbursing all deposits contained therein, as applicable.;

2. shall not deposit additional funds in sales escrow checking accounts, rental trust checking accounts, or security deposit trust checking accounts as of the effective date of affiliation with a sponsoring broker or the transfer to inactive status, as applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:44 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1451 (August 2006), LR 37:3005 (October 2011), LR 52:

### **§2707. Branch Office Accounts**

A. A broker may open an additional sales escrow checking ~~accounts~~ account, rental trust checking ~~accounts~~ account, and security deposit trust checking ~~accounts~~ account ~~to accommodate business transacted out of a~~ for each branch office sponsored by that broker.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:44 (January 2000), amended by the Office of the Governor, Louisiana Real Estate Commission, LR 32:1452 (August 2006), repromulgated, LR 37:3005 (October 2011), LR 52:

### **§2708. Signatory Rights on ~~Checking~~ Accounts**

A. An individual real estate broker shall be ~~an~~ the primary account holder and authorized signatory on each sales escrow checking account, rental trust checking account, or security deposit trust checking account and shall be responsible for the proper ~~maintenance and disbursement~~ handling and accounting of any funds contained therein. The addition of sponsored real estate licensees and/or or employees of the broker as signatories on the accounts shall not relieve the individual real estate broker of ~~this responsibility~~ his or her obligations for both the proper handling and accounting of such accounts and funds and any related violation of this Subpart or the Louisiana Real Estate License Law (R.S. 37:1430 et seq).

B. The qualifying broker of a licensed corporation, partnership, or limited liability company shall be ~~an~~ the primary account holder and authorized signatory on all sales escrow checking accounts, rental trust checking accounts, and security deposit trust checking accounts maintained by the licensed entity and shall be responsible for the proper maintenance and disbursement of any funds contained therein. The addition of sponsored real estate licensees, principals, ~~and/or~~ or employees of the licensed entity as signatories on the accounts shall not relieve the qualifying broker of ~~this responsibility~~ his or her obligations for both the proper handling and accounting of such accounts and funds and any related violation of this Subpart or the Louisiana Real Estate License Law (R.S. 37:1430 et seq).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 32:1452 (August 2006), repromulgated LR 37:3005 (October 2011), LR 52:

### **§2709. Additional Accounts**

A. Where the interest of the principal parties to a transaction or series of transactions would be served ~~thereby~~, and with the prior written consent of the principal parties, ~~a broker or non-resident~~ the sponsoring or qualifying resident or nonresident real estate broker may open an additional sales escrow checking account, rental trust checking account, or security deposit trust checking account, ~~as prescribed in §§ 2701 and 2703 of this Chapter~~, and shall deposit therein all funds received in trust on behalf of the parties, ~~to the transaction or series of transactions.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:44 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1452 (August 2006), repromulgated LR 37:3006 (October 2011), LR 52:

### **§2711. Non-Interest Bearing Checking Accounts**

A. ~~Every~~ Each sales escrow checking account, rental trust checking account, or security deposit trust checking account shall be opened as a non-interest bearing checking account unless all parties having an interest in the funds to be deposited therein have agreed otherwise in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:44 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1452 (August 2006), repromulgated LR 37:3006 (October 2011), LR 52:

### **§2713. Personal Funds in Escrow and Trust Checking Accounts; Bank Service Charges; Exception**

A. Bank service charges. A sum not to exceed two thousand five hundred dollars (\$2,500.00) of a broker's personal funds may be kept in each sales escrow checking account, rental trust checking account, ~~and~~ or security deposit trust checking account, which sum shall be specifically identified and deposited ~~to cover~~ to pay only for bank service charges relating to the accounts, and shall not be used for any other purpose.

B. Exception. A broker engaged in property management ~~activities~~ may keep personal funds ~~in excess of~~ exceeding two thousand five hundred dollars (\$2,500.00) in a rental trust checking account for the temporary, limited, and specific purpose of enabling the broker to satisfy financial obligations for or on behalf of one or more clients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:44 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1452 (August 2006), LR 37:3006 (October 2011), LR 52:

### **§2715. Withdrawal; Escrow and Trust Accounts**

A. Funds deposited into a sales escrow checking account, rental trust checking account, or security deposit trust checking account ~~shall not~~ may be withdrawn ~~for any purposes except in~~ only the following circumstances:

A.1. - A.4. ...

~~6.~~ 5. to return the funds to a buyer at the time of closing;

~~7.~~ 6. to ~~cover the payment of~~ pay customary service charges on sales escrow checking accounts, rental trust checking accounts, and security deposit trust checking accounts;

~~8.~~ 7. upon approval by the commission, relative to ~~in connection with~~ the sale or acquisition of a licensed ~~entity~~ real estate brokerage company;

~~9.~~ 8. to comply with ~~the provisions of~~ R.S. 9:3251 or any other state or federal statute governing the transfer of rents, security deposits, or other escrow funds.

B. Deposits; Disbursements. Deposits shall be disbursed within 30 days of an agreement between the ~~principles~~ principals in a real estate transaction or as otherwise agreed upon in writing by the parties.

C. Ledger. A real estate licensee who receives funds on behalf of another relative to any real estate activity shall maintain a ledger or account statement, in writing, for each account where such funds are deposited. The ledger shall clearly document all funds received and disbursed to and on behalf of each client.

D. Cash. A real estate licensee who accepts cash payments on behalf of any person relative to real estate activity shall retain written receipts of all such payments. The receipt shall include at least the following:

1. The transaction date.

2. The transaction amount.

3. The reason for the payment.

4. The subject property address.

5. The name of the payor.

6. The name and signature of the real estate licensee or employee who received the payment on behalf of the sponsoring or qualifying broker.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:44 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1452 (August 2006), LR 37:3006 (October 2011), LR 52:

### **§2717. Deposits**

A. Funds received in a real estate ~~sales, lease or management~~ transaction shall be deposited in the appropriate sales escrow checking account, rental trust checking account, or security deposit trust checking account of the listing ~~or managing~~ broker unless all parties having an interest in the funds have agreed otherwise in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:45 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1453 (August 2006), repromulgated, LR 37:3006 (October 2011), LR 52:

### **§2719. Account Closing**

A. No sales escrow checking account, rental trust checking account, or security deposit trust checking account may be closed ~~until such time as~~ unless all deposits therein have been properly disbursed.

B. ~~Bankruptcy and/or~~ Neither bankruptcy nor the revocation, suspension, or lapse of a broker license ~~for any reason~~ shall ~~not~~ be cause to close or discontinue maintenance of any sales escrow checking account, rental trust checking account, or security deposit trust checking account.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:45 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1453 (August 2006), repromulgated, LR 37:3006 (October 2011), LR 52:

### **§2721. Transfer of Trust Funds; ~~on~~ Sale or Acquisition of Agency Brokerage Company**

A. When a licensed ~~agency~~ real estate brokerage company is sold or otherwise acquired by another licensed ~~agency~~ real estate brokerage company, the sponsoring broker of the acquiring ~~agency~~ brokerage company shall notify the commission, in writing, of the acquisition and the anticipated date of the transfer of escrow and trust funds. The notice shall specify all the following: the name of the acquired ~~agency~~ brokerage company; ~~and~~ the account numbers of the sales escrow checking accounts, rental trust checking accounts, or security deposit trust checking accounts from which the funds will be transferred; and, the account numbers of the accounts into which the funds will be deposited.

B. A letter requesting approval to transfer the funds shall be jointly signed by the sponsoring brokers of the acquired ~~agency~~ brokerage company and the acquiring ~~agency~~ brokerage company and shall accompany the notification to the commission.

C. The transfer of funds shall not occur without written approval from the commission, ~~as prescribed in § 2715.A.9~~ as required by Section 2715 of this Chapter.

D. Within ~~five working~~ 7 days following the transfer of funds, a letter jointly signed by the sponsoring brokers of the acquired agency brokerage company and the acquiring agency brokerage company shall be ~~forwarded~~ delivered to the commission certifying that all escrow and trust funds have been transferred. The letter shall include the following:

D.1. ...

2. certification that supporting documents for all trust funds have been delivered to and received by the acquiring agency brokerage company;

D.3. - D.4. ...

E. Within 10 days following the transfer of funds, the sponsoring broker of the acquired agency brokerage company shall close the escrow accounts and trust accounts from which the funds were transferred and shall advise the commission in writing when such action has been completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:45 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1453 (August 2006), repromulgated, LR 37:3007 (October 2011), LR 52:

## **Chapter 29. Disbursement of Escrow Deposits**

### **§2901. Escrow Disputes; Notice; Time Limits**

A. When a dispute exists in a real estate transaction, regarding the ownership or entitlement to funds held in a sales escrow checking account, the broker holding the funds shall ~~send~~ deliver written notice to all parties and licensees involved in the transaction within 10 days of the date that the broker knows or reasonably should know that such a dispute exists.

B. Within 60 days of the scheduled closing date or knowledge that a dispute exists, whichever occurs first, Within 20 days of the date of the written notice required by Subsection (A) of this Section, the broker shall do one of the following:

B.1. - B.4. ...

5. disburse the funds in accordance with the Uniform Unclaimed Property Act of 1997 ~~as set forth in~~ (R.S. 9:151 et seq).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:46 (January 2000), amended by the Office of the Governor, Real Estate

Commission, LR 32:1454 (August 2006), LR 33:2422 (November 2007), LR 37:3007 (October 2011), LR 42:53 (January 2016), LR 43:1163 (June 2017), LR 52:

### **Chapter 31. Change of ~~Address and/or Telephone Number~~ Contact Information**

#### **§3101. Reporting; Change of ~~Address and/or Telephone Number~~ Contact Information**

A. ~~Each licensee, registrant, or certificate holder shall notify the commission, in writing, The commission shall be notified in writing~~ within 10 days of a change in any of the following contact information of record: ~~of a licensee, registrant, or certificate holder:~~

1. mailing address, business address, residence address, physical address, or email address;

A.2. - A.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:47 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1454 (August 2006), LR 37:3007 (October 2011), amended LR 49:656 (April 2023), LR 52:

### **Chapter 35. Disclosure by Licensee**

#### **§3501. Licensee as Principal in a Real Estate Transaction**

A. ~~The license status of a principal in a real estate transaction~~ Any licensee acting as a principal in a real estate transaction, whether individually or through an entity in which an interest is held by the licensee, shall ~~be disclosed~~ disclose his or her license status in writing to all other principals in the real estate transaction prior to entering into negotiations concerning the execution of a real estate contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:47 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1454 (August 2006), LR 37:3007 (October 2011), LR 52:

#### **§3503. Buyer Broker Compensation; ~~Written Disclosure and Acknowledgment~~**

A. Buyer broker compensation shall be disclosed as required by the Louisiana Real Estate License Law, including but not limited to R.S. 37:1448.4. ~~not be included as part of closing costs paid by the seller, unless such compensation is disclosed in a written offer and accepted by the seller, which specifically states the amount of compensation being paid to the licensee.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 39:3074 (November 2013), LR 52:

## **Chapter 36. Residential Property Disclosure**

### **§3601. Property Disclosure Document for Residential Real Estate**

A. In accordance with R.S. 9:3196 ~~through 9:3200 et seq~~ and R.S. 37:1455, unless ~~exempted therein~~ exempt by applicable law, the seller of residential real property shall complete a property disclosure document in ~~a~~ the form prescribed by the Louisiana Real Estate Commission or in a form that contains at least the minimum language prescribed by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 9:3195 et seq.

HISTORICAL NOTES: Promulgated by the Office of the Governor, Real Estate Commission, LR 30:1192 (June 2004), amended LR 37:3008 (October 2011), LR 52:

## **Chapter 37. Agency Disclosure**

### **§3701. Agency Relationships in Real Estate Transactions**

A. ~~Effective March 1, 1998, agency~~ Agency relations in real estate transactions ~~will be~~ are governed by ~~Chapter 4 of Code XV of Title 9 of the Louisiana Revised Statutes of 1950 comprised of R.S. 9:3891-3899~~ R.S. 9:3891 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:47 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3008 (October 2011), LR 52:

### **§3703. Agency Disclosure**

A. Forms.

1. Licensees shall provide the current version of the agency disclosure informational pamphlet or the agency disclosure form and, when applicable, the current version of the dual agency disclosure form to all parties to a real estate transaction involving the sale or lease of real property, no later than when substantive contact is made between the licensee and the parties. Any reproduction of either form shall contain at least the minimum language of such form as prescribed by the commission.

2. “Substantive contact” has the same meaning as the term is defined in R.S. 9:3891.

B. Recordkeeping.

1. Any licensee who provides an agency disclosure form, dual agency disclosure form, or both to one or more parties to a real estate transaction shall ensure that such recipient signs and

dates the form or forms, as applicable. The licensee providing such form or forms shall also sign and retain each form for no less than five years.

2. Any licensee who provides such forms in accordance with this Section by electronic delivery shall ensure that the recipient acknowledges receipt, in writing, verifying the date and time of receipt. The licensee shall retain any such electronic records for no less than five years.

~~B. Licensees shall ensure that the pamphlets and forms are the most current versions prescribed by the commission and that reproductions of the pamphlet and form contain the identical language prescribed by the commission.~~

C. Licensees shall provide the ~~agency disclosure informational pamphlet or the agency disclosure form~~ to prospective sellers/lessors and buyers/lessees at the time when substantive contact is made between the licensee and customer, i.e. any specific financial qualifications of the customer or the motives or objectives in which the customer may divulge any confidential, personal or financial information, which, if disclosed to the other party to the transaction, could harm the party's bargaining position, when performing any real estate related activity involving the sale or lease of real property, other than a ministerial act as defined in R.S. 9:3891(12).

~~D. Licensees providing agency disclosure informational pamphlets or agency disclosure forms to prospective sellers/lessors and buyers/lessees at the time when substantive contact is made shall ensure that the recipient signs and dates the pamphlet or form. The licensee providing the pamphlet or form shall sign as a witness to the signature of the recipient, and the licensee shall retain the signed pamphlet or a copy of the form for a period of five years.~~

~~E. Licensees providing agency disclosure informational pamphlets or agency disclosure forms to prospective sellers/lessors and buyers/lessees by email or other form of electronic transmission shall ensure that the recipient acknowledges receipt of the pamphlet or form by a document verifying the time and date of receipt. The licensee providing the pamphlet or form shall retain the signed pamphlet or a copy of the form for a period of five years.~~

F. D. Refusal. ~~In any circumstance in which a seller/lessor or a buyer/lessee refuses to sign the agency disclosure informational pamphlet receipt or the agency disclosure form, or refuses to provide a document verifying receipt of the pamphlet or form, the~~ When a party to a real estate transaction refuses to sign or provide written verification of one or more forms required by this Section, the licensee shall prepare written documentation that includes all the following:

1. the nature of the proposed real estate transaction;
2. the time and date the ~~pamphlet or form~~ was provided to the ~~seller/lessor or buyer/lessee, party;~~ and
3. the reasons given by the ~~seller/lessor or buyer/lessee party~~ for not signing the ~~pamphlet or form, or providing a document or~~ verifying receipt of the ~~pamphlet or form.~~ This documentation shall be retained by the ~~The licensee shall retain the records required by this Subsection~~ for a period of no less than five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:47 (January 2000), amended LR 29:349 (March 2003), amended by the Office of the Governor, Real Estate Commission, LR 32:1454 (August 2006), LR 37:3008 (October 2011), LR 52:

### §3705. Dual Agency Disclosure

A. ~~The Dual agency. Any licensee who acts as a dual agent in a real estate transaction shall use the current dual agency disclosure form prescribed by the commission and shall otherwise comply with R.S. 9:3891 et seq, including but not limited to will be used by licensees acting as a dual agent under R.S. 9:3897.~~

~~B. Licensees are responsible for ensuring that the form is the most current version prescribed by the commission and that reproductions of the form contain the identical language prescribed by the commission.~~

~~C. B. Recordkeeping. Any licensee who acts as a dual agent in a real estate transaction~~ Licensees shall ensure that the dual agency disclosure form is signed by all clients at the time the brokerage agreement is entered into or at any time before the licensee acts as a dual agent. ~~A copy of this documentation shall be retained by the~~ The licensee shall retain the records required by this Section for no less than a period of five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:47 (January 2000), amended LR 29:349 (March 2003), repromulgated LR 29:580 (April 2003), amended by the Office of the Governor, Real Estate Commission, LR 32:1455 (August 2006), LR 37:3008 (October 2011), LR 52:

## Chapter 38. Mold Disclosure

### §3801. Mold Informational Pamphlets

A. ...

B. A licensee who chooses to deliver mold information to a buyer shall be deemed in compliance with ~~R.S. 37:1470.A(1)~~ R.S. 37:1470 if the licensee performs at least one of the following:

1. delivers “A Brief Guide to Mold, Moisture, and Your Home” (EPA 402-K-02-003), or any successor thereof, to a residential buyer; ~~or~~

2. delivers “Mold Remediation in Schools and Commercial Buildings” (EPA 402-K-01-001, ~~March 2001~~), or any successor thereof, to a commercial buyer; or

3. directs a buyer to the mold informational pamphlets maintained on the United States Environmental Protection Agency (EPA) website at ~~http://www.epa.gov/iaq/molds/index.html~~ <https://www.epa.gov/mold>, or any successor thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Real Estate Commission, LR 30:1477 (July 2004), repromulgated LR 37:3008 (October 2011), LR 52:

### **Chapter 39. Presentation of Offers and ~~Counter Offers~~ Counteroffers**

#### **§3900. Purchase Agreement Forms**

A. ~~The purchase agreement form used by licensees representing~~ Any licensee who represents the buyer or seller in a residential real estate transaction shall ~~be~~ use the Residential Agreement to Buy or Sell, or any successor thereof, prescribed by the Louisiana Real Estate Commission in accordance with R.S. 37:1449.1.

~~B. The Residential Agreement to Buy or Sell, or any successor thereof, shall be used in accordance with the provisions of R.S. 37:1449.1.~~

~~B.~~ B. The official source of the prescribed purchase agreement form shall be the Louisiana Real Estate Commission website (<https://lrec.gov/>).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 33:2423 (November 2007), effective January 1, 2007, amended LR 37:3009 (October 2011), LR 52:

#### **§3901. Timely Presentation of Offers and ~~Counter Offers~~ Counteroffers**

A. Time. All written offers and ~~counter offer~~ counteroffers for the purchase of real estate shall be presented to all buyers ~~and/or~~ or sellers for their consideration and decision immediately, without delay.

B. Preparation. The licensee who prepares an offer or ~~counter offer~~ counteroffer in a real estate transaction shall ensure that the time of day and date the offer or ~~counter offer~~ counteroffer was signed by the offering party are included in the document.

C. Presentation. The licensee who presents an offer or ~~counter offer~~ counteroffer in a real estate transaction shall ensure that the time of day and date the offer or ~~counter offer~~ counteroffer was accepted, rejected, or countered are included in the document.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:48 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3009 (October 2011), LR 52:

### **§3903. Negotiations in Exclusive Agency Contracts**

A. Exclusive property listings. Negotiations concerning property listed exclusively with a broker shall be carried on with the listing broker or agent designated by the listing broker, and not with the owner, except with the expressed consent of the listing broker.

B. Exclusive buyer agency. Negotiations with a buyer, who has entered into an exclusive buyer agent contract with a licensed broker, shall be carried on with the licensed broker, or agent designated by the licensed broker, and not with the buyer, except with the express consent of the licensed broker.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:48 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3009 (October 2011), LR 52:

### **§3905. ~~Transactions~~ Receipt and Delivery of Offers and Counteroffers; Obligations**

A. Receipt; Annotation. Designated agents receiving written offers or ~~counter-offer counteroffers~~ in real estate transactions shall annotate the offers or ~~counter-offer counteroffers~~ to indicate the time of day and date the offers or ~~counter-offer counteroffers~~ were received.

B. Reasonable communications. ~~It shall be the responsibility~~ is the obligation of each of the designated agents to make reasonable efforts to contact and notify the designated agent of the other party of the existence of an offer or ~~counter-offer counteroffer~~.

1. Delivery. ~~It shall be the responsibility~~ is the obligation of the designated agent who transmits or delivers the written offer or ~~counter-offer counteroffer~~ to document the date, time of day, place, and method of delivery.

2. Recordkeeping. Such documentation as to the date, time of day, place, and method of transmission or delivery of the written offer or ~~counter-offer counteroffer~~ may include, but ~~will~~ shall not be limited to, annotation by the delivering designated agent, a dated and timed facsimile transmission receipt, or a dated and timed electronic mail receipt.

3. Such documentation shall be retained for no less than five years in accordance with ~~pursuant to~~ R.S. 37:1449.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:48 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 29:1087 (July 2003); LR 30:41 (January 2004), amended by the Office of the Governor, Real Estate Commission, LR 37:3009 (October 2011), LR 52:

### **§3907. Rejection of Offers and ~~Counter-Offers~~ Counteroffers; Signature; Delivery**

A. Rejection; signature. All written offers and ~~counter offer~~ counteroffers that are presented to a seller and/or buyer and not accepted shall be clearly marked as rejected and signed by the seller and/or buyer.

B. Refusal; annotation. In any circumstance in which a seller and/or buyer refuses to sign a rejected offer or ~~counter offer~~ counteroffer, the licensee making the presentation of the offer or ~~counter offer~~ counteroffer shall annotate this fact, indicating the time of day and date of the rejection of the offer or ~~counter offer~~ counteroffer by the seller and/or buyer.

C. Time; delivery. A copy of the rejected offer or ~~counter offer~~ counteroffer signed by the seller and/or buyer, or a copy of the rejected offer or ~~counter offer~~ counteroffer bearing the annotation of the licensee, shall be provided to the buyer and/or seller, and the rejected offer or ~~counter offer~~ counteroffer shall be returned to the prospective buyer and/or seller within five days after the signature or annotation is affixed to the document.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:48 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3009 (October 2011), LR 52:

### **§3909. Broker's Authority to Reject Offers or Counter Offers**

A. Written authorization; signatures. In the event ~~the~~ a property owner (seller) is not available and grants authority, in writing, to the listing broker to reject an offer or ~~counter offer~~ counteroffer, the listing broker or a licensee designated by the listing broker shall mark the offer or ~~counter offer~~ counteroffer as rejected and sign the offer or ~~counter offer~~ counteroffer as such in lieu of the owner (seller), ~~but~~ However, the listing broker or licensee designated by the listing broker shall ~~nevertheless forward~~ be required to deliver, without delay, a copy of the rejected written offer or ~~counter offer~~ counteroffer to the owner (seller) for his or her signature, acknowledging the rejection of the offer or ~~counter offer~~ counteroffer.

B. Recordkeeping. The copy of the rejected offer or ~~counter offer~~ counteroffer signed by the owner (seller) shall be retained in the files of the listing broker for no less than five years. In the case of a cooperative transaction, the ~~cooperating~~ listing broker shall provide a copy of the rejected offer or ~~counter offer~~ counteroffer bearing the signature of the owner to the ~~cooperating~~ selling broker within five days after the signed rejection is received from the owner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:48 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3009 (October 2011), LR 52:

## **Chapter 41. Investigations and Hearings**

### **§4101. Complaints; ~~Adjudicatory~~ Adjudications; Procedure**

A. A complaint filed with the commission alleging one or more violations of the Louisiana Real Estate License Law or this Subpart shall bear the signature of the complainant or that of his or her legal representative. The commission shall not be required to take any action relating to an unsigned or anonymous complaint.

B. The commission conducts ~~adjudicatory proceedings according to~~ adjudications in accordance with the Louisiana Real Estate License Law (R.S. 37:1430 et seq) and the Administrative Procedure Act (R.S. 49:950 et seq).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:48 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3010 (October 2011), amended LR 49:481 (March 2023), LR 52:

#### **§4105. Executive Director May Authorize Investigations**

A. The commission's executive director may issue written authorization, upon documented probable cause, to investigate apparent violations of both the Louisiana Real Estate License Law ~~or~~ and this Subpart.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:49 (January 2000), amended LR 37:3010 (October 2011), amended LR 49:481 (March 2023), LR 52:

#### **§4111. Stay of Enforcement**

Repealed.

~~A. The filing of a petition for judicial review by a respondent licensee does not itself stay enforcement of an order issued by the commission. A stay of enforcement shall be granted only when ordered by a court of appropriate jurisdiction.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:50 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3010 (October 2011), amended LR 49:481 (March 2023), LR 52:

#### **§4113. Adjudication Costs of ~~Adjudicatory Proceedings~~**

A. Following a finding that a respondent has committed one or more violations alleged in any ~~adjudicatory~~ adjudication proceeding, the commission may assess the respondent with the administrative costs of the proceeding, as reasonably determined by the commission. Payment of the assessed costs shall be a condition of satisfying any order issued by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:50 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 37:3011 (October 2011), amended LR 49:481 (March 2023), LR 52:

## **Chapter 43. Licensee, Registrant, and Certificate Holder Responsibilities**

### **§4301. Knowledge of the Law**

A. It shall be the duty of all licensees, certificate holders, and registrants to have knowledge and be aware of all laws regulating the real estate industry in Louisiana, including but not limited to the Louisiana Real Estate License Law and this Subpart. ~~including, but not limited to, these rules and regulations and the Louisiana Real Estate License Law as set forth in Chapter 17, Title 37 of the Louisiana Revised Statutes.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:50 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 37:3011 (October 2011), LR 52:

## **Chapter 47. ~~Waiver of Renewal Requirements~~ Military Service**

### **§4701. ~~Veteran Waiver~~ Military Service; License Renewal Exception**

A. ~~Licensees who are inducted into~~ Military Service; License Renewal. ~~Any real estate licensee engaged in active military service, who allows his or her license to expire in accordance with R.S. 37:1442 or those licensees in the military who are transferred out of state shall, upon furnishing appropriate evidence of their such honorable service, shall be entitled to renewal of their licenses his or her license, without penalty, provided a renewal application is filed within six months following discharge~~ 180 days of the license expiration.

B. Military spouses. ~~This The provisions of this Section shall also apply to any spouse of a person engaged in active military service who is also a real estate licensee. extend to spouses of persons described hereinabove who were licensed at the time of such induction or transfer.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:51 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3012 (October 2011), LR 52:

## **Chapter 49. Reciprocity**

### **§4901. Licensing**

A. The commission may enter into a reciprocal agreement with the appropriate authority of any other state to permit any resident of that other state, who is licensed there as a real estate broker or salesperson, to obtain an equivalent Louisiana non-resident license and engage in the real estate

~~business activity~~ in Louisiana if that other state agrees, in kind, to ~~similarly~~ grant a non-resident license to any Louisiana resident broker or salesperson and permit the licensee to engage in ~~the~~ real estate ~~business activity~~ in ~~that other~~ such state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:51 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3012 (October 2011), LR 52:

### **§4903. Requirements for Reciprocal License; Nonresident**

A. Reciprocal license requirements. Any person residing in and licensed as a real estate broker or salesperson in a state whose appropriate authority has entered into a reciprocal agreement with the commission shall be granted an equivalent non-resident license by the commission upon applying and complying with the following requirements:

1. providing the commission with sufficient proof of ~~his licensing~~ the license credential issued by his the resident state;

A.2. ...

3. filing an irrevocable appointment of agent for service of process with the commission appointing the executive director of the commission as the licensee's agent for service of process in all matters arising out of or in conjunction with any real estate ~~activities~~ activity conducted by the licensee in Louisiana;

4. corporation – procuring a certificate of authority to do business in Louisiana from the Louisiana Secretary of State and providing the commission with a true copy; and

5. partnership or limited liability company – procuring a certificate of registry as a foreign partnership from the Louisiana Secretary of State and providing the commission with a true copy.

B. Nonresident; Time. A license applicant who has been a resident of Louisiana for not more than 90 days may be considered by the commission as a non-resident for purposes of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:51 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 37:3013 (October 2011), LR 52:

### **§4905. Non-Resident Licensee; Applicability**

A. ~~The~~ Any non-resident real estate licensee is bound, in all respects, by ~~the provisions of the~~ Louisiana Real Estate License Law (R.S. 37:1431 et seq-) and ~~these regulations~~ this Subpart.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:51 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3013 (October 2011), LR 52:

## Chapter 51. Out-of-State Broker Cooperation

### §5101. Out-of-State Broker Cooperation

A. Out-of-State Broker Cooperation. A Louisiana broker may cooperate with a licensed broker of another state in the sale, exchange, purchase, rental, leasing, or management of real property located in Louisiana ~~within the limits provided in~~ subject to the Louisiana Real Estate License Law and ~~rules and regulations of the commission under the following conditions~~ this Subpart.

1. Resident broker obligations. The sale, exchange, purchase, rental, leasing, or management of Louisiana real property shall be handled ~~under~~ subject to the direct supervision and control of the Louisiana broker, who shall take full responsibility and legal obligation for all actions of the out-of-state broker.

2. Nonresident broker advertising. All advertising of any kind ~~must~~ regarding the cooperative real estate activity shall contain the names of both the Louisiana licensed broker and the out-of-state broker. The out-of-state broker may place a sign on real property located in Louisiana with the written consent of the Louisiana licensed broker.

~~2. 3.~~ Funds. Any funds collected on behalf of ~~others~~ another in a real estate transaction shall be maintained in the Louisiana broker's sales escrow checking account, rental trust checking account, or security deposit trust checking account, unless all parties having an interest in the funds ~~to be deposited therein have agreed~~ agree otherwise in writing.

~~3. — In each instance herein where~~

4. Written agreement; Commission notice. ~~When~~ a Louisiana broker enters into a ~~cooperating~~ cooperative agreement with an out-of-state broker for the sale, exchange, purchase, rental, leasing, or management of Louisiana real property, the Louisiana broker ~~must file~~ shall deliver one copy of ~~a cooperating~~ the cooperative agreement ~~with~~ to the Louisiana Real Estate Commission prior to ~~the any such~~ any such property being advertised, shown, or ~~any contract taken being made the subject of a contract.~~ A written cooperating agreement must be filed for each separate transaction. ~~This agreement must~~ Any such agreement shall contain verbiage ~~wherein~~ that both the Louisiana broker and the out-of-state broker agree to sign all written reports and contracts and comply with the Louisiana Real Estate License Law and ~~rules and regulations of the commission~~ in all respects this Subpart.

~~4. 5.~~ Limits. Any fee or commission received as a result of ~~a cooperative transaction~~ real estate activity conducted in cooperation with an out-of-state broker shall be paid to the Louisiana broker who will, in turn, compensate the out-of-state broker. The percentage of fees or

commission to be received by the Louisiana broker and the out-of-state broker ~~shall be~~ are fully negotiable between the two parties and shall be and shall be agreed upon, in writing, by the parties ~~in their~~ in the cooperative agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:51 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 37:3013 (October 2011), LR 52:

### **§5103. Referral Fees**

A. A ~~licensed~~ broker licensed in this jurisdiction Louisiana may divide or share a real estate commission with a ~~licensed~~ broker licensed in another jurisdiction state whenever the ~~licensed broker in the other jurisdiction~~ out-of-state broker acts only as a referral agent who is not involved in the actual negotiations, execution of documents, collections of rent, ~~management of property management~~, or other real estate ~~brokerage~~ activity ~~in a real estate transaction which involves involving~~ more than the mere referral of a client or customer to the ~~licensed broker of this jurisdiction~~ broker licensed in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:52 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3013 (October 2011), LR 52:

### **§5105. Jurisdiction over Out-of-State Activities**

A. Unlicensed activity in another state. The commission ~~shall have the power to~~ may impose any sanction permitted by R.S. 37:1430 et seq., on any Louisiana real estate licensee of this jurisdiction who performs or attempts to perform ~~any of the acts of a licensee on property located real estate activity~~ in another jurisdiction without first having been properly licensed in that jurisdiction or otherwise having fully complied with that jurisdiction's laws regarding real estate ~~brokerage~~ activity.

B. Reporting duty. It ~~shall be~~ is the duty of every licensee, registrant, and certificate holder to notify the commission within 10 days, in writing, by registered or certified mail or hand delivery of any sanction imposed on the licensee, registrant, or certificate holder by another jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:52 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 37:3013 (October 2011), LR 52:

## **Chapter 53. Real Estate Schools**

### **§5301. Approval of Schools Applicability**

A. This Chapter ~~shall apply~~ applies to real estate schools ~~seeking approval to conduct a course of education in real estate pre-license subjects~~ as defined in R.S. 37:1431.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3014 (October 2011), LR 52:

### **§5303. Certifications; Applications and Procedures**

A. Certification; Application. Any individual or entity desiring to conduct business in ~~this state~~ Louisiana as a real estate school shall file an application for certification with the commission.

~~B. 1.~~ The application shall be completed in such form and detail as prescribed by the commission and shall be accompanied by all required documentation ~~requested therein~~ and the certification fee(s) prescribed in R.S. 37:1443.

~~C. 2.~~ The commission shall approve or deny an application, in writing, within ~~45 calendar~~ 30 days after it is ~~received~~ successfully completed. ~~Incomplete applications or a request from the commission for additional information may be cause for delay beyond 45 calendar days.~~

~~D. B.~~ Denial; Causes. The commission may deny an application for certification as a real estate school for any of the following reasons-;

1. The applicant, or an owner or controlling member of the applicant entity, has been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, ~~or~~ theft, ~~or has been convicted of a felony or crime involving moral turpitude in any court of competent jurisdiction~~ any other felony. However, the commission shall ensure compliance with La. R.S. 37:2950.

B.2. ...

3. A professional license or certification held by an applicant has been revoked or suspended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3014 (October 2011), LR 52:

### **§5305. Surety Bonds**

A. Applicants for certification as a real estate school shall submit proof of a \$10,000 surety bond issued by ~~an~~ any insurance company ~~that is~~ authorized to conduct business in Louisiana.

B. Bonds shall be issued in favor of ~~the state~~ of Louisiana and conditioned for the protection of the contractual rights of students who attend real estate courses offered by the real estate school.

C. Bonds shall remain effective ~~and in force~~ throughout the each certification period of the real estate school.

D. Proof of bond renewal shall be provided to the commission annually upon certificate renewal and otherwise upon expiration of the relevant bond.

E. Failure to maintain a bond in accordance with this Section shall be cause for revocation or suspension of a certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3014 (October 2011), LR 52:

### **§5307. Certificates of Authority; Initial and Renewal Certifications; Expiration**

A. Certification; Form and Number. The certification to operate as a real estate school shall be issued in the form of a certificate of authority and shall include an assigned certification number that shall be included in all advertisements of approved courses and on all forms, documents, and reports filed with the commission.

B. Broker Prohibition. A certificate of authority shall not be issued or renewed for any real estate school applicant that holds a real estate broker license and whose school is designed, intended, ~~and/or~~ or primarily used for instruction of the broker's future salesperson or broker affiliates.

C. 1. Time; Effectiveness. A certificate of authority for an initial application, which that is submitted and approved after October 31<sub>2</sub>, may be issued effective January 1 of the following year.

~~D.~~ 2. Annual renewal. A certificate of authority shall be issued for a maximum period of one calendar year and shall expire annually on December 31<sub>2</sub>, unless an application for renewal is submitted.

~~E.~~ D. Expiration.

1. Courses. Failure to annually renew a certificate of authority by December 31 shall result in the automatic suspension of all course approvals ~~issued under the certificate of authority authorized for that real estate school.~~ The commission shall not accept any ~~pre-license~~ education courses for credit that are received from such real estate school, if the courses were offered after the expiration of the certificate of authority.

~~F.~~ 2. Limitation. Applications for delinquent renewal of a certificate of authority shall not be accepted by the commission after December 31. Failure to renew ~~an expired Certificate of Authority~~ a certificate of authority during the prescribed delinquent period of October 1 through December 31 shall result in the forfeiture of renewal rights. Any real estate school that becomes ineligible to renew a ~~Certificate of Authority~~ certificate of authority shall apply as an initial applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3014 (October 2011), amended LR 49:656 (April 2023), LR 52:

### **§5309. Colleges and Universities, Vocational-Technical Schools, and School Boards**

A. All Louisiana state and private colleges and universities that offer a real estate course as part of a regular curriculum are exempt from obtaining a certificate of authority; however, if courses are offered through a continuing education division, the college or university shall be required to comply with the provisions of this Chapter. State vocational-technical schools and parish schools boards that provide courses in real estate shall be required to apply for a certificate of authority and shall meet the requirements of a real estate school.

B. The designation of “college” or “university” shall not be used in any manner by a real estate school, unless the school has met ~~the~~ such standards and qualifications ~~of such~~, and is approved by the state agency having such jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3014 (October 2011), LR 52:

### **§5311. Designated School Director; Duties**

A. 1. School directors. All real estate schools shall designate a director, in writing. It is the director’s obligation ~~whose duty it shall be~~ to ensure that the operations of the school; and all training locations; adhere to the requirements of the Louisiana Real Estate License Law (R.S. 37:1430 et seq) and ~~the rules and regulations of the commission, and who shall be held responsible to the commission for any violations thereof.~~ this Subpart. The school director is the individual obliged to answer the commission regarding any violation of applicable law or rule committed by that real estate school.

2. Written notice. The commission shall be notified, in writing, within 10 days if the designated director for a real estate school is changed.

B. Directors shall coordinate and disseminate information ~~pertaining to amendments in the license law, rules and regulations, or policies and procedures of the commission~~ to all staff, instructors, and employees, regarding changes made to R.S. 37:1430 et seq and this Subpart.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by by the Office of the Governor, Real Estate Commission, LR 37:3015 (October 2011), LR 52:

### **§5313. Facilities and Inspections; Deficiencies**

A. Real estate schools shall provide adequate space, seating, equipment, and instructional material to accommodate the number of enrolled students.

B. 1. School inspections. The commission may inspect any facility used by a real estate school at any time during regular business hours.

~~C.~~ 2. Audits. Real estate schools shall be subject to periodic audits ~~and review~~, as determined by the commission, to ensure that courses are conducted in accordance with ~~the provisions set forth in~~ this Chapter and R.S. 37:1460. ~~This~~ Any such audit may include the observation and evaluation of classroom activities, course content, instructor proficiency, ~~and/or~~ and the audit of reporting / and attendance records.

~~D. C.~~ Deficiency reports. If the real estate school is found deficient in any part of this Section, the commission shall prepare a written report specifying the areas of deficiency.

~~E.~~ 1. Corrective action; Written answer. Any real estate school that receives a report of deficiencies shall correct the deficiencies ~~by the date designated by the commission~~ and shall submit a ~~report~~ written answer to the commission that outlines the corrective action no later than the date designated by the commission.

~~F.~~ 2. Cooperation. Failure to respond to a report of deficiencies, in accordance with the deadline designated by the commission, may result in payment of a fine or the suspension or revocation of the certificate of authority for any school found to be in violation of this ~~requirement~~ Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3015 (October 2011), LR 52:

### **§5315. Record Keeping**

A Time. Real estate schools shall maintain accurate and properly indexed records ~~on~~ regarding all students for at least five years after course completion and shall produce those records for inspection upon request of the commission. ~~Electronic~~ All records shall be maintained in a readily available, electronic format that does not prohibit, delay, or otherwise impede inspection.

B. Minimum requirements. Real estate schools shall maintain at least the following records ~~on~~ regarding each student:

B.1. ...

2. total ~~classroom~~ hours taken and course ~~title~~ titles;

B.3. - B.4. ...

5. method of completion; and

6. a copy of the student contract.

C. Copies. Real estate schools shall provide any student who requests it with a duplicate copy of ~~his/her~~ his or her course completion records. ~~The real estate school shall determine any fee associated with providing the records.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3015 (October 2011), LR 52:

### **§5317. Tuition, Fees, and Contracts**

A. 1. Written contracts. Each real estate school shall enter into a written contract with each student that shall clearly set forth, at a minimum, the tuition and fees charged by the school for a specific course of instruction and the school refund policy.

~~B.~~ 2. Copies. A copy of the contract, signed by an authorized representative of the school, shall be provided to the student immediately after both parties sign the contract.

~~C.~~ B. School fees. Any additional fees charged for supplies, materials, or required books shall be clearly itemized in the school contract, and such supplies, materials, or books shall become the property of the student upon payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3015 (October 2011), LR 52:

### **§5319. Pre-License Instructors; Initial and Renewal Applications; Guest Lecturers**

A. Certification. No person shall act as pre-license instructor at any real estate school, and no real estate school shall hire or otherwise permit any person to act as a pre-license instructor for the school, unless that person has been certified as such by the commission.

B. Form; Fees. The application to become certified as a pre-license instructor shall be completed in such form and detail as prescribed by the commission and shall be accompanied by all required documentation ~~requested therein~~ and the certification fee(s) prescribed in R.S. 37:1443.

C. Experience; Qualifications. Each applicant ~~Applicants~~ for a pre-license instructor certification shall provide proof of instructor experience and shall ~~have satisfied~~ satisfy at least one of the following qualifications:

1. bachelor's degree ~~with a major~~ in real estate from an accredited college or university;

2. bachelor's degree from an accredited college or university and at least two years of experience ~~in~~ as a licensed real estate brokerage broker;

3. real estate broker license and a minimum of five years of experience in the area of proposed instruction;

4. juris ~~Doctorate~~ doctorate degree or the equivalent from an accredited law school and a minimum of three years of experience in the area of proposed instruction;

5. two years of experience as a qualified instructor or professor in the business, finance, or economics department of an accredited college or university;

6. any qualifications determined by the commission to be the equivalent of at least one of the qualifications prescribed ~~in Paragraphs 1-5 of this Section, or any combination thereof~~ otherwise in this Subsection.

D. Examination. Upon a determination by the commission that a pre-license real estate instructor applicant has met the minimum requirements, ~~as prescribed in § 5319.C.1-6 of this Section,~~ the applicant shall be required to pass the real estate pre-license instructor assessment examination specified by the commission. The application shall not be considered complete, and a certification ~~number~~ shall not be issued, ~~until such time that the applicant submits the examination results to the commission~~ receives results, indicating the applicant successfully passed such examination.

E. Time. The commission shall approve or deny a pre-license instructor application within 45 30 calendar days after it is ~~received~~ successfully completed. ~~Incomplete applications, or a request for additional information, may be a cause for delay beyond 45 calendar days.~~

F. Denial; Causes. The commission may deny an application for certification as a pre-license instructor if:

1. the applicant has been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, ~~or theft, or has been convicted of a felony or crime involving moral turpitude in any court of competent jurisdiction~~ any other felony. However, the commission shall ensure compliance with La. R.S. 37:2950;

2. ~~an~~ the application contains any notice, statement, or other document, which is a false statement of material fact or constitutes any material misstatement of fact;

3. a professional license or certification held by an applicant has been ~~revoked~~ or suspended;

4. the applicant fails to meet the minimum requirements prescribed ~~in Section 5319.C.1-6~~ by this Chapter;

5. ~~the applicant fails to meet the qualifying score on the pre-license instructor assessment examination.~~

G. Annual Renewal. A pre-license instructor certificate shall be issued for a maximum period of one calendar year and shall expire annually on December 31, unless an application for renewal is submitted. Delinquent applications for renewal of a pre-license instructor certificate shall not be accepted after December 31. Failure to renew shall result in the forfeiture of renewal rights. Any pre-license instructor that becomes ineligible to renew shall be required to apply as an initial applicant.

1. Continuing Education. Renewal of a pre-license instructor certificate shall require annual completion of 12 hours of approved continuing education during the current certification period. The 12 hours shall include ~~four~~ 4 hours in the mandatory topic prescribed by the commission.

2. Limitation. ~~Such Completed~~ continuing education hours shall not include actual instruction hours taught by that instructor.

H. Expiration. Failure to renew a pre-license instructor certificate by December 31 shall result in the following ~~action~~:

1. ~~Approval~~ The authorization to provide real estate instruction shall be automatically suspended;

2. The commission shall not accept any education courses for credit if the courses were ~~instructed~~ taught by an instructor after the expiration of ~~the~~ his or her pre-license instructor certificate;

~~3. Delinquent applications for renewal of a pre-license instructor certificate shall not be accepted by the commission after December 31. Failure to renew during the prescribed delinquent period of October 1 through December 31 shall result in the forfeiture of renewal rights. Any pre-license instructor that becomes ineligible to renew shall be required to apply as an initial applicant.~~

I. Guest lecturers. A guest lecturer shall be or meet at least one of the following qualifications:

I.1. - I.2. ...

3. a real estate licensee with at least five years of experience in the area of proposed instruction.

~~J.~~ 4. Guest lecturers shall not instruct any pre-license course pertaining to the Louisiana Real Estate License Law or ~~the commission rules and regulations~~ this Subpart.

~~K.~~ 5. Guest lecturers shall not provide more than two presentations of pre-license education for a certified real estate school in a calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3015 (October 2011), amended LR 38:3171 (December 2012), amended LR 49:657 (April 2023), LR 52:

**§5321. Prohibitions; Solicitation; Confidentiality**

~~A. It shall be prohibited for any real estate brokerage firm to operate a real estate school under the same legal entity as the real estate brokerage firm.~~

~~B. A. Solicitation; Recruiting. Any activity that is designed to influence or solicit a pre-license education student to work ~~under~~ subject to the sponsorship of any real estate broker shall be considered recruiting and is prohibited ~~while~~ on the premises of a real estate school.~~

~~C. B. Confidentiality. A real estate school shall not provide the name(s) of any licensee or student, ~~whether potential or enrolled,~~ to anyone other than the Louisiana Real Estate Commission.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3016 (October 2011), LR 52:

**§5323. Change of Address**

Repealed.

~~A. The commission shall be notified within 10 calendar days after any change in the business address or telephone number of any real estate school and the residence or business address or telephone number of any owner, director or instructor thereof.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3016 (October 2011), LR 52:

**§5325. School Advertising**

A. ...

B. ~~Advertisements~~ Advertising by real estate schools shall state that the school is certified by the Louisiana Real Estate Commission and shall include the school certificate of authority number.

C. The commission may require a real estate school to furnish proof of any advertising ~~claims~~ claim. The commission may also order the retraction of advertising that violates ~~the provisions of this Section~~ this Subpart. Such retractions shall be published in the same manner as the original claim and shall be paid for by the real estate school.

D. Certified real estate schools shall not guarantee the passing of ~~the state real estate licensing~~ any examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3016 (October 2011), LR 52:

### **§5327. Investigations and Hearings**

Repealed.

~~A. The commission shall have the authority on its own motion, or following receipt of a complaint, to investigate any real estate school to determine compliance with the Louisiana Real Estate License Law and the rules and regulations of the commission.~~

~~B. If an investigation by the commission determines that a violation has occurred, the commission shall follow the provisions of R.S. 37:1456 et seq.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3017 (October 2011), LR 52:

### **§5329. Suspension or Revocation of a School Certificate of Authority or Pre-License Instructor Certification**

A. The commission shall have the authority to impose fines, suspend, or revoke a school certificate of authority or pre-license instructor certification for the following acts committed by a school owner, director, controlling member, or pre-license instructor:

- ~~1. — violating any rule or regulation promulgated by the commission;~~
- ~~2. 1. obtaining or attempting to obtain by deceptive or fraudulent means any copyrighted test questions and/or or confidential test material used by or belonging to any national testing service currently or previously contracted with the commission;~~
- ~~3. — having been convicted of a felony or entered a plea of guilty or nolo contendere to a felony charge;~~
- ~~4. — refusal to appear or testify under oath at any hearing held by the commission;~~
- ~~5. 2. falsely certifying hours of attendance for any student;~~
- ~~6. 3. having a salesperson, broker, or timeshare interest salesperson license, certificate, or registration suspended or revoked by the commission;~~
- ~~7. 4. soliciting or recruiting students or knowingly allowing others to use classroom facilities to discuss sponsorship or potential licensees for any real estate brokerage firm;~~

~~8. 5.~~ failure of a real estate school to enter into a written  ~~/ or~~ electronic contract or agreement with any student;

~~9. 6.~~ failure of a real estate school director to inform pre-license instructors  ~~on changes to the Louisiana Real Estate License Law or commission rules and regulations~~ regarding changes made to R.S. 37:1430 et seq or this Subpart.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by Office of the Governor, Real Estate Commission, LR 37:3017 (October 2011), LR 52:

### **§5331. Pre-License Education Courses Offered by Real Estate Schools; Vendor Operations**

A. Salesperson Pre-License Education. Salesperson pre-license education courses offered by real estate schools shall be structured  ~~in the following manner:~~ as Real Estate 101 – salesperson 90-hour course that shall include the following:

~~1. Real Estate 101—salesperson 90-hour course that shall include:~~

~~a. 1.~~ real estate principles and practices;

~~b. 2.~~ Louisiana Real Estate License Law (R.S. 37:1430 et seq) ~~real estate license law;~~

~~c. 3.~~ ~~commission rules and regulations~~ administrative rules applicable to real estate and the Louisiana Real Estate Commission (LAC 46:LXVII.101 et seq);

~~d. 4.~~ law of agency, as contained in Title 9 of the Louisiana Revised Statutes applicable laws regarding agency and real estate transactions, including but not limited to R.S. 9:3891 et seq; and

~~e. 5.~~ civil law, as it pertains to real estate transactions the Louisiana Civil Code, as it relates to real estate activity.

B. Broker Pre-License Education. Broker pre-license education courses offered by real estate schools shall be structured  ~~in the following manner~~ as follows:

B.1. ...

2. Real Estate 202 – 30-hour course that shall include, and be limited to, the following topics:

a. Louisiana Real Estate License Law (R.S. 37:1430 et seq) ~~real estate license law;~~

b. ~~commission rules and regulations~~ administrative rules applicable to real estate and the Louisiana Real Estate Commission (LAC 46:LXVII.101 et seq);

c. ~~law of agency, as contained in Title 9 of the Louisiana Revised Statutes~~ applicable laws regarding agency and real estate transactions, including but not limited to R.S. 9:3891 et seq;

d. ~~civil law, as it pertains to real estate transactions~~ the Louisiana Civil Code, as it relates to real estate activity; and

e. ethics and professionalism;

3. Real Estate 203 – ~~mandatory~~ 30-hour course on regarding broker responsibilities, supervision requirements, and legal obligations.

C. ~~It shall be the responsibility~~ is the obligation of the real estate school to amend each course as necessary to provide for any applicable law or rule change that is enacted during the course approval period. A fee shall not be required when a real estate course is amended to accommodate law or rule changes.

D. 1. In addition to pre-licensing courses, any ~~state-certified~~ real estate school may offer post-licensing and continuing education courses provided that the school applies for and receives ~~approved continuing~~ authorization to operate as an education vendor status.

2. No additional initial or renewal fees will be required of the school; however, filing fees for each additional course approval request ~~will~~ shall be required as provided in R.S. 37:1443.

3. A separate Louisiana Real Estate Commission vendor number ~~will~~ shall be assigned to the school upon compliance with ~~post-licensing and/or continuing~~ education vendor requirements as required by Chapter 55 of this Subpart.

~~E. 4.~~ Real estate schools shall not issue pre-licensing education credit for attendance at post license education courses or continuing education courses and shall not incorporate post-licensing or continuing education with pre-licensing education instruction.

~~F. — Real estate schools shall not incorporate post-licensing education with pre-licensing education instruction.~~

~~G. — Real estate schools shall not incorporate continuing education with pre-licensing education instruction.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3017 (October 2011), LR 52:

**§5333. Methods of Instruction; Classroom Training, Distance Education; Course Approvals and Completion**

A. ...

B. ~~“Distance education,” for the purpose of this Chapter, shall mean~~ means any of the following methods of instruction:

B.1 - B.2. ...

C. 1. ~~“Combination courses,” for the purpose of this Chapter, shall mean~~ means any distance education course that includes supplemental classroom instruction or assistance.

2. Combination courses shall be registered with the commission as distance education and shall ~~follow all guidelines established in~~ satisfy all requirements of this Chapter for the approval of distance education.

3. Combination courses shall be clearly advertised as distance education.

4. Classroom time for all instruction or assistance portions of a combination course shall be reported to the commission in accordance with § 5337 of this Chapter.

D. Course approvals. Real estate schools that offer distance education courses shall apply for course approval, prior to any such course being offered, as follows:

~~1. Distance education courses shall be submitted to the commission for content approval prior to any course offering.~~

~~2. 1.~~ ARELLO. Distance education courses that have been approved by the commission for course content shall be submitted to the Association of Real Estate License Law Officials (ARELLO) for certification ~~of the delivery method~~ prior to any course offering. Loss of ARELLO certification for courses approved ~~under~~ pursuant to this Section shall automatically suspend commission approval of the course content.

~~3. 2.~~ Exception; Academic curriculum. Colleges and university academic credit courses for distance learning shall not be required to be Association of Real Estate License Law Officials (ARELLO) approved if such courses are offered as part of a college or university curriculum. Any other distance learning courses offered to the general public outside of a curriculum program shall be ARELLO approved.

E. Examination. Final examinations for distance education courses shall consist of multiple choice questions with four possible answers (a, b, c, and d) as follows:

E.1. - E.2. ...

3. the examination ~~that a student submits for grading~~ shall include a signed and dated statement that the student has personally completed the course and examination.

F. Completion. Real estate schools shall certify students as successfully completing a course only if the student completes any ~~written~~ required assignments and passes the required examination, ~~on course content.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3017 (October 2011), LR 52:

### **§5335. Certificates of Completion**

A. Completion certificates. Real estate schools shall issue certificates to students immediately upon completion of the course. Certificates shall contain at least the following information:

1. ~~complete name of the~~ real estate school name and the certificate of authority number;
2. student name ~~of the student~~;
- A.3. - A.7. ...
8. ~~indication of~~ delivery method.

B. Certificates of completion ~~will~~ shall not be accepted from any real estate school that is not certified and in good standing with the commission on the date that the ~~certificate is issued~~ course is completed.

C. 1. Exception; Academic transcripts. In lieu of the required certificate of completion, the commission may accept college or university transcripts that reflect the completion of real estate related courses approved by the commission. Such transcripts shall be issued by the college or university registrar and shall include the course title and number, the date of completion, and the final grade.

~~D.~~ 2. Colleges or universities that do not issue transcripts for courses completed through a division of continuing education shall provide a certificate of completion to students who successfully complete a course of study.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3018 (October 2011), LR 52:

### **§5337. Course ~~Reporting~~ Schedules and Attendance; Reporting**

A. ~~Classroom~~ Schedule reports. Real estate school course reporting schedule reports shall be submitted in such form and detail as prescribed by the commission no less than 10 days prior to ~~the~~ each course being delivered.

B. Attendance reports. Real estate school attendance verification reports shall be submitted in such form and detail as prescribed by the commission within 30 days after course completion, ~~of the course~~.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3018 (October 2011), LR 52:

## **Chapter 55. Real Estate Education Vendors; ~~Post-Licensing~~ Post-License and Continuing Education**

### **§5501. Real Estate Education Vendor; Approval; Applications and Procedures**

A. Applicability. This Chapter ~~shall apply~~ applies to real estate education vendors, as defined in R.S. 37:1431, seeking approval to conduct a course ~~of education~~ in real estate post-license ~~and/or~~ or continuing education subjects.

B. Certification; Application. Any individual or entity desiring to conduct business in ~~this state~~ Louisiana as a real estate education vendor shall file an application for certification with the commission.

~~C.~~ 1. The application shall be in such form and detail as prescribed by the commission and shall be accompanied by all required documentation ~~requested therein~~ and the certification fee(s) prescribed in R.S. 37:1443.

~~D.~~ 2. The commission shall approve or deny a real estate education vendor application, in writing, within ~~45~~ 30 calendar days after it is ~~received~~ successfully completed. ~~Incomplete applications or a request from the commission for additional information may be cause for delay beyond 45 calendar days.~~

~~E.-C.~~ Denial; Causes. The commission may deny an application for certification as a real estate education vendor for any of the following reasons.

1. The applicant, or an owner or controlling member of the applicant entity, has been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, ~~or theft~~, or ~~has been convicted of a felony or crime involving moral turpitude in any court of competent jurisdiction~~ any other felony. However, the commission shall ensure compliance with La. R.S. 37:2950.

2. An application contains any notice, statement, or other document, which is a false statement of material fact or constitutes any material misstatement of fact.

3. A professional license or certification held by an applicant has been revoked or suspended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3018 (October 2011), LR 52:

### **§5503. Surety Bonds**

A. Applicants for certification as a real estate education vendor shall submit proof of a five thousand dollar (\$5,000) surety bond issued by ~~an~~ any insurance company ~~that is~~ authorized to conduct business in Louisiana.

B. Bonds shall be issued in favor ~~of the state~~ of Louisiana and conditioned for the protection of the contractual rights of students who attend real estate courses offered by the real estate education vendor.

C. Bonds shall remain effective ~~and in force~~ throughout ~~the~~ each certification period of the real estate education vendor.

D. Proof of bond renewal shall be provided to the commission annually upon renewal and otherwise upon expiration of the relevant bond.

E. Failure to maintain a bond in accordance with this Section shall be cause for revocation or suspension of a certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3019 (October 2011), LR 52:

**§5505. Real Estate Education Vendor Certifications; Initial and Renewal Certificates; Expiration**

A. Certification; Form. The commission shall issue a real estate education vendor certificate to ~~all applicants approved under~~ any applicant that satisfies the requirements of this Chapter and shall assign the vendor a certificate number that shall be included in all vendor advertisements.

~~B. The commission shall assign a certificate number that shall be included in all advertisements of approved courses and on all forms, documents, and reports filed with the commission.~~

~~C. B.~~ 1. Time; Effectiveness. A vendor certification for an application, which ~~that~~ is submitted and approved after October 31, may be issued effective January 1 of the following year.

~~D.~~ 2. Annual renewal. A vendor certification shall be issued for a maximum period of one calendar year and shall expire annually on December 31, unless an application for renewal is submitted.

~~E. C.~~ Expiration.

1. Courses. Failure to annually renew a vendor certification by December 31 shall result in the automatic suspension of all course approvals ~~issued under the certification, and the authorized for that real estate education vendor.~~ The commission shall not accept any ~~post-license education or continuing~~ education courses for credit that are received from such real estate education vendor, if the courses were offered after the expiration of the certification.

~~F.~~ 2. Limitation. Applications for delinquent renewal of a vendor certification shall not be accepted by the commission after December 31. Failure to renew an expired vendor certification during the prescribed delinquent period of October 1 through December 31 shall result in the forfeiture of renewal rights. Any real estate vendor that becomes ineligible to renew a vendor certification shall apply as an initial applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3019 (October 2011), amended LR 49:657 (April 2023), LR 52:

### **§5507. Designated Contact Person; Duties**

A. 1. Designee; obligations. All real estate education vendors shall designate a contact person, in writing. It is the designee's obligation whose duty it shall be to ensure that the operations of the vendor, and all training locations, adhere to the requirements of the Louisiana Real Estate License Law (R.S. 37:1430 et seq) and this Subpart. the rules and regulations of the commission, and who shall be held responsible to the commission for any violations thereof. The designee shall be obliged to answer the commission regarding any violation of applicable law or rule committed by that vendor.

~~B.~~ 2. Written notice. The commission shall be notified, in writing, within 10 days if the designated contact person for a real estate education vendor is changed.

~~C. B.~~ The ~~designated contact person~~ designee shall coordinate and disseminate information pertaining to amendments in the license law, rules and regulations, or policies and procedures of the commission to all staff, instructors, and employees, regarding changes made to R.S. 37:1430 et seq and this Subpart.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3019 (October 2011), LR 52:

### **§5509. Inspections and Monitoring of Approved Vendors and Courses; Deficiencies**

A. Real estate education vendors shall provide adequate space, seating, equipment, and instructional material to accommodate the number of enrolled students.

B. 1. Facility inspections. The commission may inspect any facility used by a real estate education vendor at any time during regular business hours.

~~C.~~ 2. Audits. Real estate education vendors shall be subject to periodic audits ~~and reviews,~~ as determined by the commission, to ensure that courses are conducted in accordance with ~~the provisions set forth in~~ R.S. 37:1460 and this Chapter. ~~This~~ Any such audit may include the observation and evaluation of classroom activities, course content, instructor proficiency, ~~and/or~~ and the audit of reporting ~~and~~ and attendance records.

~~D. C.~~ 1. Deficiency reports. If the real estate education vendor is found deficient in any part of this Section, the commission shall prepare a written report specifying the areas of deficiency.

~~E.~~ 2. Corrective action; Written answer. Any real estate education vendor that receives a report of deficiencies shall correct the deficiencies ~~by the date designated by the commission~~ and shall submit a signed, written ~~report~~ answer to the commission that outlines the corrective action no later than the date designated by the commission.

~~F.~~ 3. Cooperation. Failure to respond to a report of deficiencies, in accordance with the deadline designated by the commission, may result in payment of a fine, or the suspension or revocation of any certificate for a vendor found to be in violation of this ~~requirement~~ Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1435.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3019 (October 2011), LR 52:

### **§5511. Record Keeping**

A. Time. Real estate education vendors shall maintain accurate and properly indexed records ~~on~~ regarding all students for at least five years after course completion and shall produce those records for inspection upon request of the commission. ~~Electronic~~ All records shall be maintained in a readily available, electronic format that does not prohibit, delay, or otherwise impede inspection.

B. Minimum requirements. Real estate education vendors shall maintain at least the following records ~~on~~ regarding each student:

1. complete name, ~~as licensed with the commission,~~ and address;

B.2. - B.5. ...

C. Copies. Real estate education vendors shall provide any student who requests it with a duplicate copy of ~~his/her~~ his or her course completion records. ~~The real estate education vendor shall determine any fee associated with providing the records.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3019 (October 2011), LR 52:

### **§5513. Post-License and Continuing Education Instructors**

A. Authorization. No person shall act as a post-license ~~/ or~~ continuing education instructor, and no real estate vendor shall hire or otherwise permit any person to act as a post-license ~~/ or~~ continuing education instructor, unless that person has been ~~approved~~ so authorized by the commission.

B. Form; Fees. The application to become approved as a real estate post-license / or continuing education instructor shall be completed in such form and detail as prescribed by the commission and shall be accompanied by ~~any~~ all required documentation ~~requested therein~~ and the certification fee(s) prescribed in R.S. 37:1443.

1. Approval as a post-license / or continuing education instructor shall be required per vendor course and shall not qualify an approved instructor to instruct any other post-license / or continuing education courses.

2. The expiration of an approved post-license / or continuing education course shall result in the automatic expiration of all instructor approvals issued for that course.

C. Time. The commission shall approve or deny a post-license / or continuing education instructor application within ~~45~~ 30 calendar days after it is ~~received~~ successfully completed. ~~Incomplete applications, or a request from the commission for additional information, may be cause for delay beyond 45 calendar days.~~

D. Denial; Causes. The commission may deny an application for approval as a post-license / or continuing education instructor for any of the following reasons:;

1. The applicant has been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, ~~or~~ theft, or ~~has been convicted of a felony or crime involving moral turpitude in any court of competent jurisdiction~~ any other felony. However, the commission shall ensure compliance with La. R.S. 37:2950.

2. An application contains any notice, statement, or other document, which is a false statement of material fact or constitutes any material misstatement of fact.

3. A professional license or certification held by an applicant has been revoked or suspended.

4. The applicant fails to meet the minimum requirements prescribed by the commission by this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3020 (October 2011), amended LR 38:3172 (December 2012), LR 52:

### **§5515. Supplemental Post-License/Continuing Education Instructors**

A. Real estate vendors may hire or otherwise ~~permit~~ allow a supplemental course instructor to participate with a primary instructor in the instruction of an approved post-license/continuing education course, ~~provided~~ but only if the supplemental course instructor is named as such in the application for post-license/continuing education instructor submitted by the primary instructor.

B. A supplemental course instructor shall work ~~under~~ subject to the direct supervision of the approved primary course instructor and shall be limited to no more than 25 percent of the total course instruction. ~~In instances where~~ When there is more than one supplemental course instructor, the supplemental course instructors shall be limited to a combined total of no more than 25 percent of the total course instruction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 38:3172 (December 2012), LR 52:

### **§5517. Change of Address**

Repealed.

~~A. The commission shall be notified within 10 calendar days of any change in the business address or telephone number of any real estate education vendor and the residence or business address or telephone number of any owner, designated contact person, or instructor thereof.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3020 (October 2011), LR 52:

### **§5519. Vendor Advertising**

A. ...

B. ~~Advertisements~~ Advertising by any real estate education vendor shall state that the vendor is certified by the Louisiana Real Estate Commission and shall include the vendor certification number.

C. The commission may require a real estate education vendor to furnish proof of any advertising ~~claims~~ claim. The commission may also order the retraction of advertising that violates ~~the provisions of this Section~~ this Subpart. Such retractions shall be published in the same manner as the original claim and shall be paid for by the real estate education vendor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3021 (October 2011), LR 52:

### **§5521. Investigations and Hearings**

Repealed.

~~A. The commission shall have the authority on its own motion, or following receipt of a complaint, to investigate any real estate education vendor to determine compliance with the Louisiana Real Estate License Law and the rules and regulations of the commission.~~

~~B. If an investigation by the commission determines that a violation has occurred, the commission shall follow the provisions of R.S. 37:1456 and the Louisiana Administrative Procedure Act, R.S. 49:950, et seq.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3021 (October 2011), LR 52:

### **§5523. Suspension or Revocation of a Vendor Certification or Post-License/Continuing Education Instructor Approval**

A. ~~The commission may impose fines, and/or suspend or revoke a vendor certification and/or post-license/continuing education instructor approval~~ disciplinary action in accordance with R.S. 37:1455 for any of the following acts committed by a vendor, or owner, controlling member, employee, or approved post-license / or continuing education instructor thereof:

- ~~1. violation of any rule or regulation promulgated by the commission;~~
- ~~2. conviction of a felony or entering a plea of guilty or nolo contendere to a felony charge;~~
- ~~3. refusal to appear or testify under oath at any hearing held by the commission;~~
4. 1. false certification of course attendance hours for any student;
5. 2. suspension or revocation of a salesperson, broker, or timeshare interest salesperson license, certificate, or registration issued by the commission;
6. 3. failure of a real estate vendor contact person to inform post-license / or continuing education instructors on changes to the Louisiana Real Estate License Law or commission rules and regulations regarding changes made to R.S. 37:1430 et seq or this Subpart.
7. 4. using designated course instruction time to teach, promote, advance, encourage, or further personal opinion, information, data, statistics, facts, figures, material, news, reports, intelligence, or knowledge that is teach or deliver information or subjects not included in the approved course curriculum.

B. ~~Suspension~~ The suspension or revocation of a post-license / or continuing education instructor ~~approval~~ authorization shall ~~include also act to suspend or revoke, respectively, all courses for which the post-license / or continuing education instructor approval that authorization has been granted.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:-3021 (October 2011), amended LR 38:3172 (December 2012), LR 52:

**§5525. Course Approval; Applications and Procedures; Expiration; Renewal**

A. Courses approved by the commission for instruction by real estate education vendors shall be ~~classified in the following categories:~~ classified as either post-license education or continuing education.

~~1. post license education;~~

~~2. continuing education.~~

B. 1. Application. Real estate education vendors shall complete and file a course approval application with the commission for each course ~~that will be~~ offered for credit toward renewal of a real estate license.

2. Authorization. Real estate education vendors shall not advertise as ~~approved by the commission,~~ or otherwise schedule or offer a course, prior to receiving written course approval from the commission.

C. Form; Fees. The course approval application shall be in such form and detail as prescribed by the commission and shall be accompanied by the processing fee prescribed in R.S. 37:1443.

D. Time. The commission shall approve or deny a course approval application within ~~45~~ 30 calendar days after it is ~~received~~ successfully completed. ~~Incomplete applications or a request from the commission for additional information may be cause for delay beyond 45 calendar days.~~

E. Course expiration; Renewal. Each course approved by the commission shall remain active for three years and shall expire on December 31 of the third year, unless the real estate education vendor timely completes and files a renewal application for course approval is filed with the commission. The commission shall not ~~accept~~ approve education credit for a non-renewed any course that is ~~presented~~ completed after the date of expiration its expiration date.

F. Course ID. The commission shall assign a tracking number to each approved course that ~~the real estate education vendor shall be used with the approved course title on all forms, documents, reports, and/or correspondence filed with the commission~~ include in all related records.

G. Course amendments; Written authorization. Real estate education vendors shall not amend the title or outline of any approved course without first obtaining the written approval of the commission.

G.1. ...

2. It ~~shall be the responsibility~~ is the obligation of the real estate education vendor to amend each course, as necessary, ~~so as to provide for any applicable law or rule change to address any relevant change to an applicable law or rule~~ that is enacted during the course approval period. A fee shall not be required when a real estate course is amended to accommodate law or rule changes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3021 (October 2011).

**§5527. Post License Education Courses; Course Outline; Examination**

A. Course content outline. Post-license education courses offered by real estate education vendors shall be developed in accordance with the post-license course content outline prescribed by the commission.

B. Examination. Real estate education vendors shall not issue and the commission shall not authorize credit for any post-license education course, unless the student has passed an examination on the course content. Post-license hours shall be secured through and reported by one approved vendor.

C. Non-exclusive. Post-license education courses shall be open to all licensees regardless of broker affiliation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3021 (October 2011), amended LR 38:3172 (December 2012), LR 52:

**§5529. Continuing Education Courses; Minimum Requirements**

A. Real estate education vendors may offer continuing education course topics ~~that include, but are including~~ but not limited to; appraisal, finance, taxes, zoning, Louisiana Real Estate License Law ~~(R.S. 37:1430 et seq), commission rules and regulations this Subpart,~~ environmental quality, property management, and federal laws or regulations affecting real estate ~~such as HUD and fair housing regulations.~~

B. Minimum requirements.

1. Time. Continuing education courses offered by real estate education vendors shall be a minimum of two hours.

2. Instruction time. A classroom hour is defined as sixty minutes, ~~of which including~~ at least fifty minutes ~~are of~~ instruction time. The prescribed number of classroom hours may include time devoted to examinations if a required as a part of the course. Time devoted to ~~breakfasts, luncheons, dinners, or other refreshments~~ food or beverages shall not be counted as instruction time.

C. ~~Licensees~~ Students shall not receive duplicate credit for attending the same continuing education course from the same vendor in the same year. ~~It shall be the responsibility of the~~ Each real estate education vendor ~~to~~ shall advise ~~licensees~~ students that credit shall not be awarded for completing ~~duplicate courses~~ the same course more than once within the same license period.

~~D. Course work completed by licensees through non-approved providers will be considered for credit by the commission on an individual basis. Licensees seeking approval for course work obtained through non-approved providers shall apply for such approval by submitting documentation of attendance, hours completed, date of attendance, and detailed course content information.~~

~~E. D. Non-exclusive. Continuing education courses shall be open to all licensees regardless of broker affiliation.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3022 (October 2011), amended LR 38:3172 (December 2012), LR 52:

**§5531. Mandatory Courses; “Train the Trainer” Instructor Workshop**

A. ~~The~~ In accordance with R.S. 37:1437, the commission shall mandate an annual four-hour continuing education course topic and curriculum that licensees shall complete during each license period as a requirement for license renewal.

B. Real estate education vendors shall not offer the mandatory course for credit, unless a the vendor’s course approval application has been approved by the commission.

C. There shall be no substitute curriculum for the mandatory course, including any previously approved course that is similar in name ~~and/or~~ or content, without prior commission approval.

D. “Train the Trainer” Instructor Workshop.

1. Any instructor used in the presentation of who presents the mandatory course shall have first completed the annual “Train the Trainer” instructor workshop developed specifically for each mandatory course topic.

2. Completion of a prior year train the trainer instructor workshop shall not be substituted for completion of the current year workshop.

3. a. An individual licensee’s completion of a “Train the Trainer” instructor workshop shall be counted as completed continuing education towards that individual’s annual education requirement for the year in which the instructor workshop is completed.

b. Notwithstanding Subparagraph (a) of this Paragraph, a licensee shall not be credited for completion of an instructor development workshop during which only methods of teaching are included in the course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3022 (October 2011), amended LR 38:3173 (December 2012), LR 52:

## §5533. Methods of Instruction

A. ...

B. For the purposes of this Chapter, “Distance education” has the same meaning as defined in § 5333 of this Subpart. ~~, for the purpose of this Chapter, shall mean any of the following methods of instruction:~~

~~1. interactive Internet based instruction;~~

~~2. correspondence courses.~~

~~C. — Correspondence courses, for the purpose of this Chapter shall be in such format and detail as prescribed by the commission for post-license or continuing education distance learning credit hours only. Passage of an examination on course content is a requirement for all correspondence courses.~~

~~D. C. Course approvals. Real estate education vendors that offer distance education courses shall apply for course approval, prior to any such course being offered, as follows:;~~

~~1. Distance education courses shall be submitted to the commission for content approval prior to any course offering.~~

~~2. 1. Distance education courses that have been approved by the commission for course content shall be submitted to the Association of Real Estate License Law Officials (ARELLO) for certification of the delivery method prior to any course offering.~~

~~2. Loss of ARELLO certification for courses approved under pursuant to this Section shall automatically suspend commission approval of the course ~~content~~.~~

~~E. D. Examination.~~

~~1. - 1.b. ...~~

~~2. Exam certification. The examination ~~that a student submits for grading~~ shall include a signed and dated statement that the student has personally completed the course and examination.~~

~~F. E. Format. All courses submitted for approval shall be in the exact format in which they will be sold to ~~licensees~~ students for post-license or continuing education credit.~~

~~G. F. Limitations; Grading.~~

~~1. Real estate education vendors shall not grade any written assignment or examination if it is presented for grading before the time frame for course completion has been reached.~~

H. 2. Real estate education vendors shall not grade any examination that does not contain the signed certification required in ~~Paragraph E.2~~ Subsection (D) of this Section.

~~I. G.~~ Completion. Real estate education vendors shall certify students as successfully completing a course only if the student completes any written required assignments and passes the required examination, ~~on course content.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3022 (October 2011), LR 52:

### **§5535. Certificates of Completion**

A. Real estate education vendors shall issue certificates of completion as required by the commission to students upon course completion, which shall contain at least ~~containing~~ the following information ~~to students~~:

1. ~~complete name of the~~ real estate education vendor name and the vendor certification number;

2. student name ~~of the student as licensed with the commission~~;

3. student real estate license number;

A.4 - A.7. ...

8. ~~indication of~~ delivery method.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1435.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3023 (October 2011), LR 52:

### **§5537. Course Schedules and Attendance; Reporting**

A. ...

B. Course schedules shall be received by the commission at least 10 calendar days ~~prior to~~ before the beginning of each month.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3023 (October 2011), LR 52:

### **§5539. Non-Certified Real Estate Education Vendors**

A. Authorization; Limits. Non-certified real estate education vendors may request commission approval to offer continuing education courses ~~under~~ subject to the following conditions-;

1. Non-certified real estate education vendors shall comply with the course approval and course reporting procedures ~~specified in Section 5537.A-C of this Chapter~~ required by this Subpart.

A.2 - A.3. ...

B. Education credit. The commission shall not grant credit for any course presentation that exceeds the maximum limits specified in this ~~Part~~ Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by Office of the Governor, Real Estate Commission, LR 37:3023 (October 2011), LR 52:

## Chapter 57. Timeshares

### **§5701. Timeshare Registration; Requirements for Processing**

A. This Chapter regarding timeshares shall be interpreted and implemented in accordance with the Louisiana Real Estate License Law (R.S. 37:1430 et seq) and the Louisiana Timesharing Act (R.S. 9:1131.1 et seq).

B. 1. Application. In accordance with R.S. 37:1437.1, each ~~Every~~ applicant for initial registration as a timeshare developer or timeshare salesperson shall submit to the commission a fully completed application on a form provided by the commission accompanied by the prescribed fees.

2. Each applicant shall receive the commission's written approval of its registration prior to the date that such applicant engages in the business of selling timeshare interests in Louisiana.

~~B. C.~~ Timeshare salesperson; Initial registration. Every application for an initial timeshare salesperson registration shall contain the name of the developer for whom the applicant will ~~be~~ working sell or offer to sell any timeshare interest following registration and shall be signed by a designated representative of that developer.

~~C. D.~~ Timeshare developer; Initial registration. Applicants for registration as timeshare developers shall submit the following to the commission ~~at the time of~~ upon filing for registration, as applicable:

1. sample copies of the conveyance and financing forms, ~~and, when applicable, copies of the public offering statement,~~ and a certified copy of the timeshare declaration;

2. ~~when applicable,~~ an affidavit, signed by the chief executive officer or managing partner of the developer and by any natural person having an ownership interest exceeding 10 percent in either the developer or entities ~~which control~~ controlling it, ~~that which~~ states under subject to penalty of perjury, that the affiant has read the timeshare declaration and all attached documents, and that they are true and correct.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:60 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3023 (October 2011), LR 52:

### **§5703. Receipt of Application**

Repealed.

~~A. Every application shall be received and approved by the commission prior to the date the applicant engages in the business of selling timeshare interests within this state.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:60 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3023 (October 2011), LR 52:

### **§5705. Bonds**

A. At the time of initial application, each applicant for registration as a timeshare interest salesperson shall provide evidence of ~~one a~~ a \$10,000 bond issued in favor of the state by a surety company authorized to do business in ~~this state in the amount of \$10,000~~ Louisiana in accordance with R.S. 37:1437.1(E).

B. A new bond or a renewal or continuation of the original bond shall be required for each registration period. If a continuous bond is filed, a new or renewal bond is not required as long as the continuous bond remains ~~in force and effect~~ effective.

C. ~~In the event~~ When a bond is revoked or canceled by the surety company, the timeshare registration of the named bondholder shall automatically be suspended until such time as a new bond is filed with the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:60 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 37:3023 (October 2011), LR 52:

### **§5707. Fees**

A. Registration fees shall cover a period of one calendar year in accordance with R.S. 37:1442 and shall not be prorated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:60 (2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3023 (October 2011), LR 52:

### **§5709. Automatic Suspension for Non-Renewal**

A. If a developer's timeshare registration is suspended or revoked, no sales of timeshare interests in that project may be conducted by that developer, ~~by~~ any timeshare sales registrant working for that developer, or ~~by~~ any licensed real estate broker or salesperson working with that developer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:60 (2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3023 (October 2011), LR 52:

### **§5711. Terminations**

A. A developer who wishes to terminate an association with a ~~sales registrant~~ timeshare interest salesperson shall ~~return the registrant's sales registration certificate to the commission along with a properly executed transfer~~ timely submit the form as provided prescribed by the commission in accordance with R.S. 37:1441.

B. A ~~sales registrant~~ timeshare interest salesperson who wishes to terminate an association with a timeshare developer shall ~~request, in writing, that the developer return that registrant's sales registration certificate to the commission, and shall sign the appropriate transfer form as proof of the request~~ timely submit the form prescribed by the commission in accordance with R.S. 37:1441.

C. ~~A sales registrant may transfer to another developer upon submission of a property executed transfer form signed by both the registrant and a designated representative of the developer. This~~ When a timeshare interest salesperson transfers to another timeshare developer, the transfer request form shall be accompanied by a new bond and appropriate transfer fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:61 (2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3024 (October 2011), LR 52:

### **§5715. Establishment of Escrow Account**

A. Where applicable, the developer of each timeshare plan that has timeshare property located in Louisiana, or who maintains a sales office in Louisiana for the sale of timeshare interests, shall

establish interest bearing escrow accounts in the developer's name at a financial institution in the parish where the timeshare property or sales office is located, in accordance with ~~R.S. 9:1131.16 and 17~~ R.S. 9:1131.16.1 and 1131.17.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:61 (2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3024 (October 2011), LR 52:

### **§5717. Affidavit of Authority**

A. Every developer of a timeshare plan shall submit to the commission notarized affidavits attesting to the existence, location, and account number of the developer's escrow accounts. The affidavits shall authorize and empower the commission or its representatives to examine, inspect, ~~and/or~~ and copy the developer's escrow accounts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:61 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3024 (October 2011), LR 52:

### **§5719. Escrow Account Closing**

A. Every developer shall notify the commission, in writing, of ~~his intention~~ the intent to close an escrow account at least 10 days prior to the intended closing date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:61 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3024 (October 2011), LR 52:

### **§5721. Maintaining an Escrow Account**

A. Upon revocation, suspension, or ~~lapse~~ expiration of registration, a developer shall ~~nevertheless~~ continue to maintain all escrow accounts until such time as all monies have been properly disbursed according to law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:61 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3024 (October 2011), LR 52:

### **§5723. Change of Address**

Repealed.

~~A. Every registrant shall report in writing any change in business or residence address or telephone number to the commission within 10 days of the change. Such notification shall be by hand delivery or certified mail.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:61 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3024 (October 2011), LR 52:

### **§5725. Payment to Non-Registrants**

A. ~~Timeshare registrants, in accordance with the provisions of R.S. 37:1446(A),~~ In accordance with R.S. 37:1446, timeshare registrants shall not offer or pay a fee or any other compensation of any kind to any unregistered person for the purpose of obtaining any timeshare solicitations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:61 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3024 (October 2011), LR 52:

### **§5727. Developer Records**

A. Every developer shall retain, ~~for at least five years,~~ readily available and properly indexed copies of all documents which in any way ~~pertain~~ relate to the sale or solicitation of timeshare interests in which he has acted as a developer for no less than five years from the date of each such document.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.  
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:61 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3024 (October 2011), LR 52:

### **Family Impact Statement**

The proposed amendments to LAC 46:LXVII.101 et seq are not anticipated to cause any impact, relative to family formation, stability, or autonomy as described in R.S. 49:972, including but not limited to the analysis factors enumerated in R.S. 49:972(B).

### **Poverty Impact Statement**

The proposed amendments to LAC 46:LXVII.101 et seq are not anticipated to cause any impact, relative to child, individual, or family poverty in relation to individual or community asset development poverty as described in R.S. 49:973, including but not limited to the analysis factors enumerated in R.S. 49:973(B).

### **Small Business Economic Analysis & Impact Statement**

Pursuant to the Administrative Procedure Act, including but not limited to R.S. 49:974.4 and 974.5, the board considered the impact of the proposed amendments to LAC 46:LXVII.101 et seq, relative to small businesses and the methods of reducing such impact, and determined that such changes are not anticipated to have any adverse impact.

### **Public Comments**

All interested persons may submit written comments, on or before noon on May 20, 2026, to Mr. Jeremy Travis (jtravis@lrec.gov), Public Information Director, Louisiana Real Estate Commission, 9071 Interline Avenue, Baton Rouge, Louisiana, 70809.

### **Public Hearing**

A hearing will be held on May 28, 2026 at 10 a.m. at the office of the Louisiana Real Estate Commission, 9071 Interline Avenue, Baton Rouge, Louisiana, 70809, if it becomes necessary to convene a public hearing to receive or consider comments in accordance with the Administrative Procedure Act.

Summer S. Mire  
Executive Director

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no implementation costs or savings to state or local governmental units associated with the proposed changes other than a one-time minimal cost of publishing the rule. The commission determined that the proposed changes are necessary to comply with the April 1, 2025, Executive Order Number 25-038. The proposed changes make numerous technical and language changes intended to: reduce the overall length, number, and complexity of regulations; use more concise, plain language; and, repeal or greatly reduce rules that are redundant with existing statutes.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no anticipated impact on revenue collections to state or local government units as a result of the proposed changes.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)**

There are no estimated costs associated with the proposed changes.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed changes will have no effect on competition and employment.