

BEFORE THE BOARD OF REALTY REGULATION  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of )  
ARM 24.210.667 continuing real )  
estate education and 24.210.835 )  
continuing property management )  
education )

NOTICE OF PUBLIC HEARING ON  
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On June 16, 2011, at 9:00 a.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Realty Regulation (board) no later than 5:00 p.m., on June 10, 2011, to advise us of the nature of the accommodation that you need. Please contact Barb McAlmond, Board of Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2325; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2323; e-mail dlibsdrre@mt.gov.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.210.667 CONTINUING REAL ESTATE EDUCATION (1) Each active licensee is required to annually complete a minimum of 12 hours of continuing real estate education every year ~~board-mandated core education course of a length established by the board every year. The board-mandated core education does not apply to meeting the continuing education requirement provided for in (2), except as provided in (18) and (19).~~

(2) In addition to the board-mandated core education course, each active licensee is required to complete a minimum of 12 hours of continuing real estate education every year.

(3) A licensee must complete the board-mandated core education course that contributes to the professional competency of the licensee in their real estate practice.

(2) through (16) remain the same, but are renumbered (4) through (18).

(19) A licensee completing board-mandated core education courses beyond the core course completed for professional competency required in (3), may apply one course toward meeting current continuing education requirements. The core course completion certificate(s) must be provided to the board office in order to receive continuing education credit.

(20) A licensee with both a real estate and property management license must complete both board-mandated core education courses, but may apply one course toward meeting the current continuing education requirement by providing the core course completion certificate(s) to the board office.

AUTH: 37-1-131, 37-1-136, 37-1-319, 37-51-203, MCA

IMP: 37-1-131, 37-1-141, 37-1-306, 37-1-319, 37-51-202, 37-51-204, MCA

REASON: The board determined it is reasonably necessary to amend ARM 24.210.667 and 24.210.835 and require each licensee to annually complete a mandatory core update course. The amendment specifies that licensees will be required to complete the core update course in addition to the 12 hours required in (2), and completion of the core course will not fulfill the mandatory or elective requirements for continuing education (CE). The board anticipates that two different core courses will be developed and offered, one emphasizing property management issues and one emphasizing real estate issues.

Licensees will be responsible to select the course that best contributes to professionalism in their area of practice. Since real estate licensees may also perform property management duties, their scope of work may require them to complete the property management core course if the licensee believes it is the core course that best contributes to the licensee's professionalism. The board is also amending these rules to clarify that a licensee who completes both mandatory core courses could use one course to meet their 12-hour CE requirement.

The core course requirement is being proposed at the recommendation of a board-created task force following a determination that licensees were not receiving updated or "hot topic" information in a timely manner, and that licensees did not understand the ramifications of recent court decisions. The task force recommended that the board require completion of a core course that would timely provide such information and education to all active licensees and that will change annually to provide current updates on new issues year after year.

Authority and implementation cites are being amended to accurately reflect all statutes implemented through the rules and provide the complete sources of the board's rulemaking authority.

#### 24.210.835 CONTINUING PROPERTY MANAGEMENT EDUCATION

(1) Each active licensee is required to annually complete a minimum of 12 hours of board-approved continuing property management education every year board-mandated core education course of the length established by the board every year. The board-mandated core education does not apply to meeting the continuing education requirement provided for in (2), except as provided in (17) and (18).

(2) In addition to the board-mandated core education course, each active licensee is required to complete a minimum of 12 hours of board-approved continuing property management education every year.

(3) A licensee must complete the board-mandated core education course that contributes to the professional competency of the licensee in their property management practice.

(2) through (14) remain the same, but are renumbered (4) through (16).

(17) A licensee completing board-mandated core education courses beyond the core course completed for professional competency required in (3), may apply one course toward meeting current continuing education requirements. The core course completion certificate(s) must be provided to the board office in order to receive continuing education credit.

(18) A licensee with both a real estate and property management license must complete both board-mandated core education courses, but may apply one course toward meeting the current continuing education requirement by providing the core course completion certificate(s) to the board office.

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IMP: 37-1-131, 37-1-141, 37-1-306, 37-1-319, 37-51-202, 37-51-204, MCA

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2323, or by e-mail to [dlibsdrre@mt.gov](mailto:dlibsdrre@mt.gov), and must be received no later than 5:00 p.m., June 24, 2011.

5. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at [www.realestate.mt.gov](http://www.realestate.mt.gov). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Realty Regulation, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2323; e-mailed to [dlibsdrre@mt.gov](mailto:dlibsdrre@mt.gov); or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. Barb McAlmond, program manager, has been designated to preside over and conduct this hearing.

BOARD OF REALTY REGULATION  
CINDY WILLIS, CHAIRPERSON

/s/ DARCEE L. MOE  
Darcee L. Moe  
Alternate Rule Reviewer

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State May 16, 2011