

# Regulatory Analysis Form

(Completed by Promulgating Agency)



# IRRC

Independent Regulatory Review Commission

## SECTION I: PROFILE

(1) Agency:

Department of State, Bureau of Professional and Occupational Affairs, State Real Estate Commission

(2) Agency Number: 16A

Identification Number: 5613

IRRC Number:

2871

(3) Short Title: **Education**

(4) PA Code Cite: 49 Pa. Code §§ 35.271 – 35.273, 35.275, 35.359, 35.384 and 35.385

(5) Agency Contacts (List Telephone Number, Address, Fax Number and Email Address):

Primary Contact: **Judith Pachter Schulder, Counsel, State Real Estate Commission, P.O. Box 2649, Harrisburg, PA 17110-2056 (fax number) 787-0251 (e-mail address) jschulder@state.pa.us.**

Secondary Contact: **Joyce McKeever, Deputy Chief Counsel, Department of State P.O. Box 2649, Harrisburg, PA 17110-2056 (fax number) 787-0251 (e-mail address) jmckeever@state.pa.us.**

(6) Primary Contact for Public Comments (List Telephone Number, Address, Fax Number and Email Address) – Complete if different from #5:

(All Comments will appear on IRRC'S website)

(7) Type of Rulemaking (check applicable box):

**X Proposed Regulation**

☐ Final Regulation

☐ Final Omitted Regulation

☐ Emergency Certification Regulation;

☐ Certification by the Governor

☐ Certification by the Attorney General

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## Regulatory Analysis Form

(8) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

**This regulation seeks to accomplish four objectives:**

- A. Requiring new licensees to complete a 14-hour Commission-developed practice course during the first biennium when continuing education is required. (§ 35.384(c))**
- B. Removing the electronic transfer requirement on real estate education providers and replaces it with the requirement that providers give instructors and attendees transcripts or certificates of instruction/completion. Under the proposal, the transcripts/certificates must be retained for 2 years. (§ 35.359)**
- C. Adding facility, instructor, curriculum and transcript requirements on providers of continuing education. (§ 35.385(b))**
- D. Consolidating educational requirements for various licensure classes. (§§ 35.271-35.275)**

(9) Include a schedule for review of the regulation including:

- |   |   |
|---|---|
| A. The date by which the agency must receive public comments:                               | <b>30 days after publication as proposed rulemaking</b> |
| B. The date or dates on which public meetings or hearings will be held:                     | <b>N/A</b>  |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | <b>Spring 2011</b>                                      |
| D. The expected effective date of the final-form regulation:                                | <b>Upon publication of the final-form rulemaking</b>    |
| E. The date by which compliance with the final-form regulation will be required:            | <b>Upon publication of the final-form rulemaking</b>    |
| F. The date by which required permits, licenses or other approvals must be obtained:        | <b>N/A</b>  |

(10) Provide the schedule for continual review of the regulation.

**The Board continuously reviews its regulations.**

## Regulatory Analysis Form

### **SECTION II: STATEMENT OF NEED**

(11) State the statutory authority for the regulation. Include specific statutory citation.

**Sections 404 and 404.1 of the Real Estate Licensing and Registration Act (RELRA), 63 P.S. §§ 455.404 and 455.404a, authorize the Commission to promulgate and adopt regulations in order to administer and effectuate the purposes of the RELRA, including continuing education.**

(12) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

**No.**

(13) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

**In addition to consolidating and clarifying pre-licensure and continuing education requirements, the proposed amendments require new licensees to complete a Commission-developed practice course addressing real estate law, agency and real estate documents in order to satisfy their first continuing education requirement. While new licensees receive didactic information on these topics during their pre-licensure courses, the Commission believes that there is additional practical and practice-specific information which new licensees should learn as they begin practice. There are approximately 5,000 new licenses issued annually. Brokers, new salespersons and consumers will benefit from this enhanced education.**

**The regulations would also reinstate pre-2004 continuing education provider regulations which required continuing education providers to give instructors and attendees transcripts or certificates of instruction/completion. The Commission tried to have providers electronically transmit continuing education information directly to the Commission, however, this system proved unworkable due to computer discrepancies and inaccurate reporting of licensing information by licensees. Further, the belief that electronic transfer would decrease the calls to the Commission proved to be erroneous as the Commission received numerous calls from licensees checking whether their provider transferred their credit information. There are approximately 65 real estate education providers excluding colleges, universities and institutes of higher education.**

## Regulatory Analysis Form

(14) If scientific data, studies; references are used to justify this regulation, please submit material with the regulatory package. Please provide full citation and/or links to internet source.

N/A

(15) Describe who ~~and~~ how many will be adversely affected by the regulation. How are they affected?

**No one will be adversely affected by the regulation.**

(16) List the persons, groups or entities that will be required to comply with the regulation. Approximate the number of people who will be required to comply.

**New standard salesperson licensees will be required to take with the Commission-developed practice course. There are approximately 5,000 new licenses issued annually.**

**All real estate education providers will be required to comply with the transcript/certificate requirement. There are approximately 65 real estate education providers excluding colleges, universities and institutes of higher education.**

## SECTION III: COST AND IMPACT ANALYSIS

(17) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

**The regulation will not result in increased costs or savings to the regulated community and will not require legal, accounting or consulting procedures.**

(18) Provide a specific estimate of the costs and/or savings to **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

**The regulation will not result in increased costs or savings to local government and will not require legal, accounting or consulting procedures.**

## Regulatory Analysis Form

(19) Provide a specific estimate of the costs and/or savings to **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

**The regulation will not result in increased costs or savings to state government and will not require legal, accounting or consulting procedures.**

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$ N/A	\$ N/A	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Regulated Community						
Local Government						
State Government						
Total Savings						
<b>COSTS:</b>	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Costs						
<b>REVENUE LOSSES:</b>	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
State Real Estate Commission	\$2,654,819.51	\$2,803,605.90	\$3,150,494.59	\$3,541,000.00

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(21) Explain how the benefits of the regulation outweigh any cost and adverse effects.

**There are no costs associated with this regulation.**

(22) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

**In compliance with Executive Order 1996-1, the Commission extended an invitation to the following boards and associations to preliminarily review and comment on the Commission's draft regulatory proposal: Pennsylvania Association of Realtors, Realtors Educational Institute, Institute of Real Estate Studies, Polley Associates, Pennsylvania Cemetery & Funeral Association, Pennsylvania Bar Association, Allegheny Highland Association, Greater Allegheny-Kiski Area Board, Allegheny Valley Board, Beaver County Association, Bradford-Sullivan County Association, Bucks County Board, Butler County Association, Cambria-Somerset Association, Carbon County Association, Carlisle Association; Central Montgomery County Association, Central Susquehanna Valley Board, Centre County Association, Chester County Association, Delaware Valley Realtors Association, East Montgomery County Association, Elk-Cameron County Board, Greater Erie Board, Fayette County Board, Franklin County Association, Greenville Area Board, Hanover-Adams County Association, Greater Harrisburg Association, Greater Hazleton Association, Huntingdon County Board, Indiana County Board, Lancaster County Association, Lawrence County Board, Lebanon County Association, Lehigh Valley Association, McKean County Association, Greater Meadville Board, Greater Mercer County Board, Mifflin-Juniata County Board, Mon Yough Association, Monongahela Valley Board, Montgomery County Association, Greater Hagerstown Realtors, Realtors Assoc. of York & Adams Counties, Pennsylvania Realtors Institute, Pennsylvania Association of Private School Administrators, Greater Philadelphia Association, North Central Penn Board, Pike/Wayne Association, Pocono Mountains Association, Reading-Berks Association, Realtors Association of Metropolitan Pittsburgh, Schuylkill County Board, Greater Scranton Association, Tri-State Commercial and Industrial Association, Warren County Board, Washington-Greene Association, West Branch Valley Association, Westmoreland West Association, Greater Wilkes-Barre Association, The Pennsylvania Federation of Housing Counselors and Agencies, and The Real Estate Consumer Council.**

**In formulating this proposal, the Commission reviewed and considered all comments and suggestions received by these and other interested parties during the regulatory development process.**

(23) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

**Nonregulatory alternatives were not considered because policy statements on any of the issues covered by the amendments would not have the force or effect of law.**

## Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

**There are no federal licensure standards.**

(25) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

**Fourteen states currently require new licensees to complete additional education upon obtaining a license:**

STATES	NUMBER OF HOURS	TIME FRAME TO COMPLETE
Alabama	30	1 year
Arkansas	18 salesperson/30 broker	12 months
California		18 months
Florida	48 salesperson/60 broker	18 to 24 months
Georgia	25	First year
Kansas	30	6 months
Louisiana	30	By 12/31 of first full calendar year of licensure
Mississippi	30	1 year
Ohio	10	1 year
Oklahoma	45 required to maintain an associate broker's license	1 year
South Carolina	30	12 months
Tennessee	30 affiliates/120 brokers	6 months affiliates/3 years brokers
Washington	30	Due with first active renewal

**The proposed rulemaking will not adversely affect Pennsylvania's ability to compete with other states.**

(26) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

**The regulation will not affect any regulations of the Commission or other state agencies.**

## Regulatory Analysis Form

(27) Submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

**The regulations will require licensees to retain copies of their continuing education transcripts/certificates for two biennial periods. It will also require real estate education providers to provide instructors/attendees copies of this documentation rather than electronically transmit it to the Commission.**

(28) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

**The Board is aware of no special needs of any subset or group which should be excepted.**



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WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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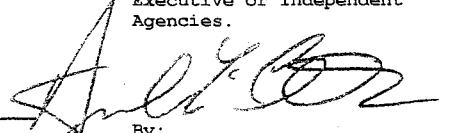
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BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

State Real Estate Commission  
(AGENCY)

  
By: \_\_\_\_\_  
Andrew C. Clark  
JUL 21 2010

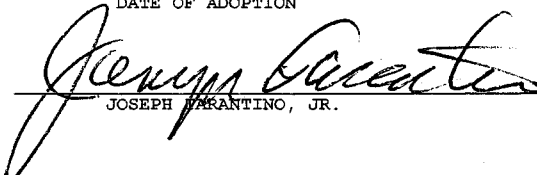
DOCUMENT/FISCAL NOTE NO. 16A-5613

DATE OF APPROVAL

AUG 11 2010  
DATE OF APPROVAL

DATE OF ADOPTION

BY:

  
JOSEPH MARANTINO, JR.

TITLE:

Chairman

(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

(Deputy General Counsel  
(Chief Counsel,  
Independent Agency  
(Stroke inapplicable title)

[ ] Check if applicable  
Copy not approved  
Objections attached.

[ ] Check if Applicabl  
No Attorney General approval  
or Objection within 30 days  
after submission

PROPOSED RULEMAKING  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE REAL ESTATE COMMISSION  
49 Pa. Code, Chapter 35  
EDUCATION

The State Real Estate Commission (Commission) proposes to amend §§ 35.201, 35.271—35.273, 35.275, 35.341, 35.359, 35.384 and 35.385, to read as set forth in Annex A.

A. Effective Date

The amendments will be effective upon publication of the final-form regulation in the Pennsylvania Bulletin.

B. Statutory Authority

The amendments are proposed under the authority of sections 404.1 of the Real Estate Licensing and Registration Act (RELRA)(63 P.S. §455.404a).

C. Background and Purpose

In previous rulemaking published on December 11, 2004, at 34 Pa.B. 6530, the Commission consolidated duplicative pre-licensure and continuing education provisions and revised outdated, burdensome and unnecessary provider requirements in §§ 35.203, 35.228, 35.229, 35.271—35.273, 35.275, 35.341—35.363 and 35.381—35.392. Since that time, the Commission has reviewed the effectiveness of its regulations and determined that several provisions require additional amendment. Specifically, the Commission determined that the provider provisions in §§ 35.271—35.273 and 35.275 require additional consolidation; the continuing education provider requirements in §§ 35.352(b), 35.353(a), 35.355, 35.358(a) and 35.359(b) require cross-referencing in section 35.385 (relating to continuing education providers); the transcript/certificate requirements in § 35.359 (relating to course transcripts) require amendment; and a required course needs to be added for new licensees in § 35.384(b) (relating to qualifying courses).

As part of its prior amendments, the Commission removed the requirement in § 35.359 that continuing education providers give transcripts or certificates of instruction to attendees because, at the time, a roster of attendees was being provided to the Commission directly by the providers following the courses. The Commission believed that this would eliminate an unnecessary paperwork requirement for providers and assist licensees and the Commission during renewal. However, having completed two renewals applying this method, the Commission determined that the electronic transfer system created additional administrative problems and has abandoned electronic transfer in favor of the renewal and audit system used by other licensing Boards within the Bureau of Professional and Occupational Affairs.

Another change made in the prior amendments was to eliminate the mandatory course requirement in § 35.384(b) in all but pre-notified instances, and replace it with all elective courses. As the Commission explained, except for instances where the RELRA or the regulations have been substantively modified or where, in the Commission's view, licensees require specific Commission-

December 31, 2009

guidance, the Commission believed that licensees should be able to take continuing education in subjects that directly benefit their practice or interest. The Commission continues to hold this belief generally, however, it believes that new licensees require additional guidance about agency, real estate law and real estate documents related to their specific practice area during their first years of practice that is not included in the pre-licensure courses. As such, instead of allowing these new licensees to take elective courses to satisfy their continuing education requirement, the Commission believes that these licensees should take a required 14-hour course designed specifically for new licensees during the first renewal cycle in which they are required to complete continuing education. The Commission has discussed this requirement with real estate education providers, its Voluntary Education Advisory Committee, real estate companies and licensees who agree that a required continuing education course for new licensees is beneficial. Such a course has been developed and is being offered during the 2009-2011 biennial period.

#### D. Description of Proposed Amendments

##### § 35.201—Definitions

The Commission proposes adding a definition for “accredited college” to § 35.201 (relating to definitions) to simplify the educational requirements in Subchapter D (relating to licensing examinations).

##### Subchapter D—Licensing examinations

The Commission proposes consolidating the provider requirements in §§35.271(b)(iii) and (iv), 35.272(b)(2) and (3), 35.273(b)(2), (3) and (4), and 35.275(b)(2) and (3). In addition, in each of these sections, the Commission proposes cross-referencing the new definition of “accredited college” in § 35.201. Also, the Commission proposes adding the course transcript information currently set forth in §§ 35.271, 35.272 and 35.275 (relating to examination for broker’s license; examination for salesperson’s license; and examination for rental listing referral agent’s license) to § 35.273 (relating to examination for cemetery broker’s license).

For each licensure class, the Commission has determined that pre-licensure education courses must be taken from one of four sources: (1) an accredited college; (2) a real estate education provider in this Commonwealth; (3) a real estate education provider outside of this Commonwealth that has been approved by the Real Estate Commission in the jurisdiction where the provider is located; and (4) a real estate industry organization outside of this Commonwealth that has been approved by the Real Estate Commission in the jurisdiction where the organization is located. As such, in proposed form, the Commission has consolidated § 35.271(b)(3)(iii) and (iv) and has added “industry organizations” to current §§ 35.272(b)(3)(iii), 35.273(b)(4)(iii) and 35.275(b)(3)(iii). In addition, the Commission proposes removing redundant language and consolidating the requirements in §§ 35.272(b)(2) and (3), 35.273(b)(2), (3) and (4), and 35.275(b)(2) and (3).

§ 35.341—Approval of real estate education provider

Because real estate education providers can be limited liability corporations and limited liability partnerships as well as corporations, the Commission proposes amending the documentation required to be submitted with a provider application in § 35.341(6)(iv) to require a copy of the registration documentation approved by the Department of State's Corporation Bureau.

§ 35.359—Course documentation

The Commission proposes amending the continuing education documentation requirements in § 35.359(b) by removing the electronic transfer requirement and requiring continuing education providers to again provide signed course transcripts/certificates of instruction to course attendees and instructors. New paragraph (1) institutes a 2-year retention requirement for continuing education documentation. New paragraph (2) imposes an affirmative requirement on licensees to produce the transcripts/certificates verifying completion of the continuing education requirement to the Commission if audited.

§§ 35.384 and 35.385—Qualifying courses and continuing education providers

The Commission proposes amending current § 35.384(b) to require that in addition to any required course mandated by the Commission, licensees complete the Commission developed 14 hour post-licensure education course as satisfaction of the continuing education requirement within the first biennial period in which continuing education is required for new licensees. Additionally, the Commission proposes adding new § 35.385(b) to cross reference §§ 35.352(b), 35.353(a), 35.355, 35.358(a) and 35.359(b) pertaining to standards for real estate education providers, because those sections are equally applicable to continuing education providers.

E. Fiscal Impact and Paperwork Requirements

The amendments should have no fiscal impact on the Commonwealth, its political subdivisions or the public. The amendments will impose a paperwork requirement which may have a slight fiscal impact on the regulated community because the amendments require real estate education providers to provide signed transcripts/certificates of completion to continuing education participants/instructors at the end of each course, and licensees are required to retain this documentation for 2 years following the end of the biennial renewal period for purposes of audit.

F. Sunset Date

The Commission reviews the effectiveness of its regulations on an ongoing basis. Therefore, no sunset date has been assigned.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 27, 2010, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board/Commission, the General Assembly and the Governor of comments, recommendations or objections raised.

I. Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding the proposed amendments to Judith Pachter Schulder, Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649, or [jschulder@state.pa.us](mailto:jschulder@state.pa.us) within 30 days of publication of this proposed rulemaking. Please reference No. 16A-5613 (Continuing Education), when submitting comments.

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Joseph Tarantino, Jr., Chairman

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 35. STATE REAL ESTATE COMMISSION

Subchapter B. GENERAL PROVISIONS

§ 35.201. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Accredited college—A college, university or institute of higher learning accredited by the Middle States Commission on Higher Education or an equivalent accrediting body.

\* \* \* \* \*

Subchapter D. LICENSING EXAMINATIONS

§ 35.271. Examination for broker's license.

\* \* \* \* \*

(b) The Commission will apply the following standards in determining whether an examination candidate has met the education requirement of subsection

(a)(4):

\* \* \* \* \*

(3) To be counted toward the education requirement, a real estate course [shall] must have been offered by:

(i) An accredited college[, university or institute of higher learning, whether in this Commonwealth or outside this Commonwealth] as defined in § 35.201 (relating to definitions).

\* \* \* \* \*

(iii) A real estate education provider or industry organization outside this Commonwealth that has been approved by the real estate licensing authority of the jurisdiction where the real estate education provider or industry organization is located. The course transcript or certificate of completion [shall] must state that the course is approved by the licensing authority of the jurisdiction where the real estate education provider or industry organization is located.

[(iv) A real estate industry organization outside this Commonwealth, if the course is approved by the licensing jurisdiction of another state. The course transcript or certificate of completion shall state that the course is approved by the licensing jurisdiction which has approved it.]

\* \* \* \* \*

**§ 35.272. Examination for salesperson's license.**

\* \* \* \* \*

(b) The Commission will apply the following standards in determining whether an examination candidate has met the education requirement of subsection (a)(2):

\* \* \* \* \*

(2) Credits will be allowed for [each of the Commission-developed real estate courses—]Real Estate Fundamentals and Real Estate Practice[—when offered by:

(i) An accredited college, university or institution of higher learning located outside this Commonwealth.

(ii) A real estate education provider in this Commonwealth approved by the Commission.

(3) Credits will be allowed for] and all acceptable basic real estate courses when offered by:

(i) An accredited college[, university or institution of higher learning located outside this Commonwealth] as defined in § 35.201 (relating to definitions).

(ii) A real estate education provider in this Commonwealth approved by the Commission.

(iii) A real estate education provider or industry organization outside this Commonwealth that has been approved by the real estate licensing authority of the jurisdiction where the real estate education provider or industry organization is located. The course transcript or certificate of completion must state that the course is approved by the licensing authority of the jurisdiction where the real estate education provider or industry organization is located.

[(4)] (3) Courses [shall] must have been completed within 10 years prior to the date of successful completion of the licensing examination.



\* \* \* \* \*

**§ 35.273. Examination for cemetery broker's license.**

\* \* \* \* \*

(b) The Commission will apply the following standards in determining whether an examination candidate has met the education requirement of subsection (a)(3):

\* \* \* \* \*

(2) Credits will be allowed for [each of the Commission-developed real estate courses—] Real Estate Fundamentals and Real Estate Practice[—when offered by:

(i) An accredited college, university or institute of higher learning in this Commonwealth.

(ii) A real estate education provider approved by the Commission in this Commonwealth.

(3) Credits will be allowed for] cemetery courses [when offered by:

(i) An accredited college, university or institute of higher learning in this Commonwealth.

(ii) A real estate education provider in this Commonwealth approved by the Commission.

(4) Credits will be allowed for acceptable] and all basic real estate courses when offered by:

(i) An accredited college[, university or institute of higher learning located outside this Commonwealth] as defined in § 35.201 (relating to definitions).

(ii) A real estate education provider in this Commonwealth approved by the Commission.

(iii) A real estate education provider or industry organization outside this Commonwealth that has been approved by the real estate licensing authority of the jurisdiction where the real estate education provider or industry organization is located. The course transcript or certificate of completion must state that the course is approved by the licensing authority of the jurisdiction where the real estate education provider or industry organization is located.

~~[(iii)]~~ (iv) A cemetery association outside this Commonwealth, if the course taught by the cemetery association is equivalent to a course taught by a real estate [school] education provider in this Commonwealth approved by the Commission.

~~[(5)]~~ (3) Courses [shall] must have been completed within 10 years prior to the date of successful completion of the licensing examination.

\* \* \* \* \*

**§ 35.275. Examination for rental listing referral agent's license.**

\* \* \* \* \*

(b) The Commission will apply the following standards in determining whether an examination candidate has met the education requirement of subsection (a)(2):

\* \* \* \* \*

(2) Credits will be allowed for [each of the Commission-developed real estate courses—] Real Estate Fundamentals and Real Estate Practice [—when offered by:

(i) An accredited college, university or institute of higher learning in this Commonwealth.

(ii) A real estate education provider in this Commonwealth approved by the Commission. The course transcript or certificate of completion shall state that the course is approved by the licensing authority of the jurisdiction where the real estate education provider is located.

(3) Credits will be allowed for] and all acceptable basic real estate courses when offered by:

(i) An accredited college[, university or institute of higher learning in this Commonwealth] as defined in § 35.201 (relating to definitions).

(ii) A real estate education provider in this Commonwealth approved by the Commission.

(iii) A real estate education provider or industry organization outside this Commonwealth that has been approved by the real estate licensing authority of the jurisdiction where the real estate education provider or industry organization is located. The course transcript or certificate of completion must state that the course is approved by the licensing authority of the jurisdiction where the real estate education provider is located.

[(4)] (3) Courses [shall] must have been completed within 10 years prior  
to the date of successful completion of the licensing examination.

\* \* \* \* \*

## **Subchapter F. REAL ESTATE SCHOOLS**

### **APPROVAL OF REAL ESTATE EDUCATION PROVIDERS**

#### **§ 35.341. Approval of real estate education provider.**

A real estate education provider shall obtain the Commission's approval before commencing operations in this Commonwealth. To obtain approval from the Commission, the real estate education provider shall:

\* \* \* \* \*

(6) Submit a completed real estate education provider approval application to the Commission with:

\* \* \* \* \*

(iv) A [certificate of incorporation] copy of the registration documentation approved by the Department of State's Corporation Bureau, if the real estate education provider is a corporation, limited liability partnership, limited partnership or limited liability company.

\* \* \* \* \*

### **ADMINISTRATION OF REAL ESTATE EDUCATION PROVIDERS**

\* \* \* \* \*

#### **§ 35.359. Course [Transcripts] Documentation.**

\* \* \* \* \*

(b) *Continuing education.* [Effective with the renewal period commencing June 1, 2004, within] Within 30 days after a continuing education course has ended, the continuing education provider shall provide [the Commission with a roster in a format approved by the Commission, listing] each licensee who satisfactorily completed/taught the course [. Continuing education providers shall be required to issue course] transcripts/certificates of instruction [to students only upon request] that contain the information in § 35.360(a)(5)(i)-(viii) (relating to records) signed by the provider.

(1) Licensees shall retain the transcripts/certificates of instruction for 2 years following the biennial renewal period during which the courses were taken to renew the license.

(2) Licensees shall provide a copy of the transcripts/certificates of instruction to the Commission verifying completion of the continuing education requirement upon request.

\* \* \* \* \*

#### **Subchapter H. CONTINUING EDUCATION**

\* \* \* \* \*

#### **§ 35.384. Qualifying courses.**

(a) Except as provided in subsection (b), a licensee shall complete 14 hours of continuing education in acceptable courses in a minimum of 2-hour increments. [A standard license holder shall satisfy the continuing education requirement by doing one of the following:]

(b) The Commission may, for a given biennial license period and with adequate notice to standard license holders, require that all or part of the 14 hours be completed in

required topics. In addition, during the first biennial period that continuing education is required, a new licensee shall complete the Commission-developed 14-hour required course for new licensees in satisfaction of the continuing education requirement.

\* \* \* \* \*

**§ 35.385. Continuing education providers.**

(a) The following providers may offer instruction for continuing education:

(1) An accredited college[, university of institute of higher learning whether in this Commonwealth or outside this Commonwealth] as defined in § 35.201 (relating to definitions).

\* \* \* \* \*

(3) A real estate education provider or industry organization outside this Commonwealth that has been approved by the real estate licensing authority of the jurisdiction where the real estate education provider or industry organization is located.

(b) Continuing education providers shall comply with the standards for real estate education providers set forth in §§ 35.352(b), 35.353(a), 35.358(a), 35.355 and 35.359(b).

\* \* \* \* \*



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE REAL ESTATE COMMISSION

Post Office Box 2649  
Harrisburg, Pennsylvania 17105-2649  
(717) 783-3658

August 27, 2010

The Honorable Arthur Coccodrilli, Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14<sup>th</sup> Floor, Harristown 2, 333 Market Street  
Harrisburg, Pennsylvania 17101

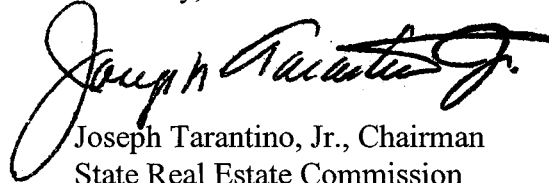
Re: Proposed Regulation  
State Real Estate Commission  
16A-5613: Education

Dear Chairman Coccodrilli:

Enclosed is a copy of a proposed rulemaking package of the State Real Estate Commission pertaining to Education.

The Commission will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,



Joseph Tarantino, Jr., Chairman  
State Real Estate Commission

JT/JPS:bac

Enclosure

cc: Basil L. Merenda, Commissioner  
Bureau of Professional and Occupational Affairs  
Steven V. Turner, Chief Counsel  
Department of State  
Joyce McKeever, Deputy Chief Counsel  
Department of State  
Cynthia Montgomery, Regulatory Counsel  
Department of State  
Judith Pachter Schulder, Counsel  
State Real Estate Commission  
State Real Estate Commission

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**


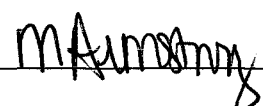

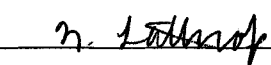
I.D. NUMBER: 16A-5613  
SUBJECT: EDUCATION  
AGENCY: DEPARTMENT OF STATE  
STATE REAL ESTATE COMMISSION

**TYPE OF REGULATION**

- X Proposed Regulation  
Final Regulation  
Final Regulation with Notice of Proposed Rulemaking Omitted  
120-day Emergency Certification of the Attorney General  
120-day Emergency Certification of the Governor  
Delivery of Tolled Regulation  
a. With Revisions b. Without Revisions

RECEIVED  
IRRC  
2010 AUG 27 A 10:33

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
		HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
8/27		MAJORITY CHAIRMAN <u>Michael McGeehan</u>
		SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
8/27		MAJORITY CHAIRMAN <u>Robert Tomlinson</u>
8/27/10		INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
8/27		LEGISLATIVE REFERENCE BUREAU (for Proposed only)

August 11, 2010