

**R162-2f-202b. Principal Broker Licensing Fees and Procedures.**

- (1) To obtain a Utah license to practice as a principal broker, an individual shall:
  - (a) evidence honesty, integrity, truthfulness, and reputation pursuant to Subsection R162-2f-201(1);
  - (b) evidence competency to transact the business of real estate pursuant to Subsection R162-2f-201(2);
  - (c)
    - (i) successfully complete 120 hours of approved prelicensing education, including:
      - (A) 45 hours of broker principles;
      - (B) 45 hours of broker practices; and
      - (C) 30 hours of Utah law and testing; or
    - (ii) apply to the division for waiver of all or part of the education requirement by virtue of:
      - (A) completing equivalent education as part of a college undergraduate or postgraduate degree program, regardless of the date of the degree; or
      - (B) completing other equivalent real estate education within the 12-month period prior to the date of application;
  - (d)
    - (i) apply with a testing service designated by the division to sit for the licensing examination; and
    - (ii) pay a nonrefundable examination fee to the testing center;
  - (e) pursuant to this Subsection (3)(a), take and pass both the state and national components of the licensing examination;
  - (f)
    - (i) unless Subsection (2)(a) applies, evidence the individual's having, within the five-year period preceding the date of application, a minimum of three years experience related to real estate, including the following:
      - (A) at least two years full-time licensed, active experience selling, listing, or managing the property types identified in Appendix 1; and
      - (B) up to one year full-time professional experience related to real estate, as outlined in Appendix 3; and
    - (ii) evidence having accumulated, within the five-year period preceding the date of application, a total of at least 60 experience points as follows:
      - (A) 45 to 60 points pursuant to the experience points tables found in Appendices 1 and 2; and
      - (B) 0 to 15 points pursuant to the experience point table found in Appendix 3;
  - (g) pursuant to this Subsection (3)(b), submit to the division an application for licensure including:
    - (i) documentation indicating successful completion of the approved broker prelicensing education;
    - (ii) a report of the examination showing a passing score for each component of the examination; and
    - (iii) the applicant's business, home, and e-mail addresses;
  - (h) provide from any state where licensed as a real estate agent or broker:
    - (i) a written record of the applicant's license history; and
    - (ii) complete documentation of any disciplinary action taken against the applicant's license;
  - (i) if applying for an active license, affiliate with a registered company;

- (j) pay the nonrefundable fees required for licensure, including the nonrefundable fee required under Section 61-2f-505 for the Real Estate Education, Research, and Recovery Fund; and
  - (k) establish real estate and property management trust accounts, as applicable pursuant to Section R162-2f-403, that:
    - (i) contain the term "real estate trust account" or "property management trust account", as applicable, in the account name; and
    - (ii) are separate from any operating account(s) of the registered entity for which the individual will serve as a broker; and
  - (l) identify the location(s) where brokerage records will be kept.
- (2) (a) If an individual applies under this Subsection R162-2f-202b within two years of allowing a principal broker license to expire, the experience required under Subsection (1)(f) shall be accumulated within the seven-year period preceding the date of application.
- (b) Pursuant to Section R162-2f-407, an individual whose application is denied by the division for failure to meet experience requirements under this Subsection (1)(f) may bring the application before the commission.
- (3) Deadlines.
- (a) If an individual passes one test component but fails the other, the individual shall retake and pass the failed component:
  - (i) within six months of the date on which the individual achieves a passing score on the passed component; and
  - (ii) within 12 months of the date on which the individual completes the prelicensing education.
- (b) An application for licensure shall be submitted:
  - (i) within 90 days of the date on which the individual achieves passing scores on both examination components; and
  - (ii) within 12 months of the date on which the individual completes the prelicensing education.
- (c) If any deadline in this Section R162-2f-202b falls on a day when the division is closed for business, the deadline shall be extended to the next business day.
- (4) Restriction. A principal broker license may not be granted to an applicant whose sales agent license is on suspension or probation at the time of application.
- (5) Dual broker licenses.
- (a) (i) A person who holds or obtains a dual broker license under this Subsection may function as the principal broker of a property management company that is a separate entity from the person's real estate brokerage.
- (ii) A dual broker may not conduct real estate sales activities from the separate property management company.
- (iii) A principal broker may conduct property management activities from the person's real estate brokerage:
  - (A) without holding a dual broker license; and
  - (B) in accordance with Subsections R162-2f-401j and R162-2f-403a-403c;
- (b) A dual broker who wishes to consolidate real estate and property management operations into a single brokerage may:
  - (i) at the broker's request, convert the dual broker license to a principal broker license; and

- (ii)
    - (A) convert the property management company to a branch office of the real estate brokerage, including the assignment of a branch broker and using the same name as the real estate brokerage; or
    - (B) close the separate property management company.
- (c) As of May 8, 2013:
  - (i) the Division shall:
    - (A) cease issuing property management principal broker (PMPB) licenses;
    - (B) cease issuing property management company (MN) registrations except as to a second company registered under a dual broker license;
    - (C) convert any property management principal broker (PMPB) license to a real estate principal broker (PB) license; and
    - (D) as to any property management company (MN) registration that is not a second company under a dual broker license, convert the registration to a real estate brokerage (CN) registration; and
  - (ii) it shall be permissible to conduct real estate sales activities under any company registration that is converted pursuant to this Subsection (5)(c)(i)(C).