

R162-2f-206c. Certification of Continuing Education Course.

- (1)
 - (a) The division may not award continuing education credit for a course that is advertised in Utah to real estate licensees unless the course is certified prior to its being taught.
 - (b) A licensee who completes a course that is not required to be certified pursuant to this Subsection (1)(a), and who believes that the course satisfies the objectives of continuing education pursuant to this Subsection (2)(f), may apply to the division for an award of continuing education credit after successfully completing the course.
- (2) To certify a continuing education course for traditional education, a person shall, no later than 30 days prior to the date on which the course is proposed to begin, provide the following to the division:
 - (a) name and contact information of the course provider;
 - (b) name and contact information of the entity through which the course will be provided;
 - (c) description of the physical facility where the course will be taught;
 - (d) course title;
 - (e) number of credit hours;
 - (f) statement defining how the course will meet the objectives of continuing education by increasing the participant's:
 - (i) knowledge;
 - (ii) professionalism; and
 - (iii) ability to protect and serve the public;
 - (g) course outline including a description of the subject matter covered in each 15-minute segment;
 - (h) a minimum of three learning objectives for every three hours of class time;
 - (i) name and certification number of each certified instructor who will teach the course;
 - (j) copies of all materials to be distributed to participants;
 - (k) signed statement in which the course provider and instructor(s):
 - (i) agree not to market personal sales products;
 - (ii) allow the division or its representative to audit the course on an unannounced basis; and
 - (iii) agree to upload, within ten business days after the end of a course offering, to the database specified by the division, the following:
 - (A) course name;
 - (B) course certificate number assigned by the division;
 - (C) date(s) the course was taught;
 - (D) number of credit hours; and
 - (E) names and license numbers of all students receiving continuing education credit;
 - (l) procedure for pre-registration;
 - (m) tuition or registration fee;
 - (n) cancellation and refund policy;
 - (o) procedure for taking and maintaining control of attendance during class time;
 - (p) sample of the completion certificate;
 - (q) nonrefundable fee for certification as required by the division; and
 - (r) any other information the division requires.
- (3) To certify a continuing education course for distance education, a person shall:

- (a) comply with this Subsection (2);
 - (b) submit to the division a complete description of all course delivery methods and all media to be used;
 - (c) provide course access for the division using the same delivery methods and media that will be provided to the students;
 - (d) describe specific frequent and periodic interactive events included in the course and appropriate to the delivery method that will contribute to the students' achievement of the stated learning objectives and encourage student participation;
 - (e) describe how and when certified instructors will be available to answer student questions; and
 - (f) provide an attestation from the sponsor of the availability and adequacy of the equipment, software, and other technologies needed to achieve the course's instructional claims.
- (4) Minimum standards.
- (a) Except for distance education courses, all courses shall be taught in an appropriate classroom facility and not in a private residence.
 - (b) The minimum length of a course shall be one credit hour.
 - (c) Except for online courses, the procedure for taking attendance shall be more extensive than having the student sign a class roll.
 - (d) The completion certificate shall allow for entry of the following information:
 - (i) licensee's name;
 - (ii) type of license;
 - (iii) license number;
 - (iv) date of course;
 - (v) name of the course provider;
 - (vi) course title;
 - (vii) number of credit hours awarded;
 - (viii) course certification number;
 - (ix) course certification expiration date;
 - (x) signature of the course sponsor; and
 - (xi) signature of the licensee.
- (5) Certification procedures.
- (a) Upon receipt of a complete application for certification of a continuing education course, the division shall, at its own discretion, determine whether a course qualifies for certification.
 - (b) Upon determining that a course qualifies for certification, the division shall determine whether the content satisfies core or elective requirements.
 - (c) Core topics include the following:
 - (i) state approved forms and contracts;
 - (ii) other industry used forms or contracts;
 - (iii) ethics;
 - (iv) agency;
 - (v) short sales or sales of bank-owned property;
 - (vi) environmental hazards;
 - (vii) property management;

- (viii) prevention of real estate and mortgage fraud;
 - (ix) federal and state real estate laws;
 - (x) division administrative rules; and
 - (xi) broker trust accounts;
- (d) If a course regarding an industry used form or contract is approved by the division as a core course, the provider of the course shall:
- (i) obtain authorization to use the form(s) or contract(s) taught in the course;
 - (ii) obtain permission for licensees to subsequently use the form(s) or contract(s) taught in the course; and
 - (iii) if applicable, arrange for the owner of each form or contract to make it available to licensees for a reasonable fee.
- (e) Elective topics include the following:
- (i) real estate financing, including mortgages and other financing techniques;
 - (ii) real estate investments;
 - (iii) real estate market measures and evaluation;
 - (iv) real estate appraising;
 - (v) market analysis;
 - (vi) measurement of homes or buildings;
 - (vii) accounting and taxation as applied to real property;
 - (viii) estate building and portfolio management for clients;
 - (ix) settlement statements;
 - (x) real estate mathematics;
 - (xi) real estate law;
 - (xii) contract law;
 - (xiii) agency and subagency;
 - (xiv) real estate securities and syndications;
 - (xv) regulation and management of timeshares, condominiums, and cooperatives;
 - (xvi) resort and recreational properties;
 - (xvii) farm and ranch properties;
 - (xviii) real property exchanging;
 - (xix) legislative issues that influence real estate practice;
 - (xx) real estate license law;
 - (xxi) division administrative rules;
 - (xxii) land development;
 - (xxiii) land use;
 - (xxiv) planning and zoning;
 - (xxv) construction;
 - (xxvi) energy conservation in buildings;
 - (xxvii) water rights;
 - (xxviii) landlord/tenant relationships;
 - (xxix) property disclosure forms;
 - (xxx) Americans with Disabilities Act;
 - (xxxi) fair housing;
 - (xxxii) affirmative marketing;
 - (xxxiii) commercial real estate;

- (xxxiv) tenancy in common;
- (xxxv) professional development;
- (xxxvi) business success;
- (xxxvii) customer relation skills;
- (xxxviii) sales promotion, including:
 - (A) salesmanship;
 - (B) negotiation;
 - (C) sales psychology;
 - (D) marketing techniques related to real estate knowledge;
 - (E) servicing clients; and
 - (F) communication skills;
- (xxxix) personal and property protection for licensees and their clients;
- (xl) any topic that focuses on real estate concepts, principles, or industry practices or procedures, if the topic enhances licensee professional skills and thereby advances public protection and safety;
- (xli) any other topic that directly relates to the real estate brokerage practice and directly contributes to the objective of continuing education; and
- (xlii) technology courses that utilize the majority of the time instructing students how the technology:
 - (A) directly benefits the consumer; or
 - (B) enables the licensee to be more proficient in performing the licensee's agency responsibilities.
- (f) Unacceptable topics include the following:
 - (i) offerings in mechanical office and business skills, including:
 - (A) typing;
 - (B) speed reading;
 - (C) memory improvement;
 - (D) language report writing;
 - (E) advertising; and
 - (F) technology courses with a principal focus on technology operation, software design, or software use;
 - (ii) physical well-being, including:
 - (A) personal motivation;
 - (B) stress management; and
 - (C) dress-for-success;
 - (iii) meetings held in conjunction with the general business of the licensee and the licensee's broker, employer, or trade organization, including:
 - (A) sales meetings;
 - (B) in-house staff meetings or training meetings; and
 - (C) member orientations for professional organizations;
 - (iv) courses in wealth creation or retirement planning for licensees; and
 - (v) courses that are specifically designed for exam preparation.
- (g) If an application for certification of a continuing education course is denied by the division, the person making application may appeal to the commission.
- (6) (a) A continuing education course certification expires 24 months from the date of issuance

- and must be renewed before the expiration date in order to remain active.
- (b) To renew a continuing education course certification, an applicant shall:
 - (i) complete a renewal application as provided by the division; and
 - (ii) pay a nonrefundable renewal fee.
 - (c) To reinstate an expired continuing education course certification within 30 days following the expiration date, a person shall:
 - (i) comply with all requirements for a timely renewal; and
 - (ii) pay a nonrefundable late fee.
 - (d) To reinstate an expired continuing education course certification after 30 days and within six months following the expiration date, a person shall:
 - (i) comply with all requirements for a timely renewal; and
 - (ii) pay a non-refundable reinstatement fee.
 - (e) A certification that is expired for more than six months may not be reinstated. To obtain a certification, a person must apply as a new applicant.
 - (f) If a deadline specified in this Subsection (6) falls on a day when the division is closed for business, the deadline shall be extended to the next business day.