



STATE REAL ESTATE COMMISSION
PO Box 2649
Harrisburg PA 17105-2649

Phone Number 717-783-3658
Fax Number: 717-787-0250
www.dos.pa.gov/estate

ADVERTISING

What is the Commission's policy on the use and advertisement of nicknames?

- Section 35.305(b) of the Commission's Regulations, 49 Pa. Code §35.305(b), permits a licensee to advertise using a nickname for the licensee's first name so long as the licensee has registered that nickname with the Commission.

Can a salesperson's name be first in an advertisement and be larger than the agency name?

- Section 35.305(c) of the Commission's Regulations, 49 Pa. Code §35.305(c), requires that all advertisements by associate brokers, salespersons, cemetery associate brokers, or cemetery salespersons contain the employing broker's business name and telephone number on the advertisement, of equal size.

Are internet advertisements, emails, and websites also required to comply with Section 305 of the Commission's Regulations?

- All advertisements must comply with Section 305 of the Commission's Regulations.

Can a real estate company hold a lottery at an open house?

- Section 35.306 of the Commission's Regulations, 49 Pa. Code §35.306, sets out the requirements for lotteries, contests, prizes, certificates, gifts, and lots.



APPLICATION

What is the procedure for processing new license applications?

- Applications are processed in the order in which they are received. The reviewing officers review applications to determine whether all of the required documentation and fees have been submitted. When the application is complete, an active license will be issued. It is at this point that a licensee may begin practicing. It takes approximately 10 days from the time the license is printed until the employing broker/broker of record receives the license.

If the application does not contain all of the required documentation or fees, a discrepancy letter identifying the deficient information is sent to the applicant. Once the requested information is returned to the Commission, the processing procedure outlined above is continued.

If the applicant has been convicted of a crime, the conviction will add additional review time for processing. At each Commission meeting, applications are reviewed and the Commission makes a decision whether to grant the license or preliminarily deny the license and provide the applicant an opportunity to request an informal conference. Once requested by the applicant, an informal conference will be scheduled for an upcoming meeting. Following the informal conference, the application is again discussed with the Commission. A decision is made whether to grant the license or provisionally deny it and provide the applicant the right to a formal hearing.

What are some common application errors?

- Common errors include:
 - Not completing all sections of the application;
 - Providing the broker of record license number (RM), rather than the broker license number (RB or SB), for the employing broker information;
 - Providing the incorrect fee;
 - Not providing all attachments that are required.

Please read all instructions and answer all questions to experience fewer delays. Further, if you submit an application during the renewal period (March through June of each even numbered year), you will experience delays.

How does a licensee know when their license expires?

- The license expiration date shows on the wall certificate, the wallet card, and can be checked online at www.pals.pa.gov. All real estate licenses expire at the same time – May 31st of each even numbered year.

My license is inactive. Do I need to retake the licensing exam?

- Under Section 501(b) of the Real Estate Licensing and Registration Act, 63 P.S. §455.501(b), any person who remains inactive for a period of five years without renewing his license shall, prior to having a license reissued to him, submit to and pass the examination pertinent to the license for which the person is reapplying.



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How does a licensee reinstate a license that has been revoked or suspended?

- The licensee must petition the Commission for reinstatement of a license that has been revoked or suspended.

What is the Real Estate Recovery Fund?

- The Real Estate Recovery Fund is a fund established by the Real Estate Licensing and Registration Act to provide reimbursement to persons who are victims of fraud, misrepresentation, or deceit committed by real estate licensees during the course of any transaction for which a license is required. Please refer to Sections 801-303 of the Real Estate Licensing and Registration Act, 63 P.S. §455.801-803, for more information.



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AUCTIONEERS

Does the Commission require auctioneers who sell real estate to obtain a brokers license?

- Section 304(9) of the Real Estate Licensing and Registration Act, 63 P.S. §455.304(9), specifically exempts auctioneers licensed under the Auctioneer Licensing and Trading Assistant Registration Act from obtaining a real estate license in order to sell real estate ONLY while performing authorized duties at any bona fide auction.



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CEMETERY COMPANIES

Who is in charge of perpetual care fund for cemeteries?

- The Burial Grounds Law, Title 9, 9 Pa. C.S. §101, et seq., sets out the requirements for perpetual care funds for cemeteries and the designation of a qualified trustee.

Are employees of cemetery companies whose jobs do not involve selling cemetery plots, such as the caretaker or the groundskeeper, required to hold cemetery salespersons licenses?

- If a cemetery employee sells lots in a cemetery, and the selling of the lots is not part of their normal course of duties, nor is additional compensation provided in connection with the sale, no license is required.



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DUTIES OF LICENSEES

If a licensee is selling/buying his own property and has not listed that property with his brokerage does he have to give the consumer on the other side of the transaction a Consumer Notice?

- Sections 35.288 and 35.304 of the Regulations, 49 Pa. Code §§ 35.288 and 35.304, address a licensee's duties and disclosure requirements when he is selling or leasing his real estate.



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EDUCATION

Where can I find a list of approved education providers, as well as a list of approved courses?

- The list of approved education providers can be accessed at www.pals.pa.gov. Course information is available from each provider.

The Regulations refer to both credits and clock hours. Are they the same?

- Section 35.201 of the Commission's Regulations, 49 Pa. Code §35.201, defines a credit as a period of 15 hours of instruction. The Commission uses both credits and clock hours since some providers classify instruction by credits and others by hours.

May courses be taken from any education provider?

- No. For prelicensure courses, the approved providers depend on the license type being sought. Applicants for:
 - Broker license – consult Section 35.271(b)(3) of the Commission's Regulations;
 - Salesperson license – consult Section 35.272(b)(2) and (3) of the Commission's Regulations;
 - Cemetery Broker license – consult Section 35.273(b)(2) and (3) of the Commission's Regulations;
 - Rental Listing Referral Agent license – consult Section 35.275(b)(2) and (3) of the Commission's Regulations.

For continuing education courses, the education provider, regardless if they are an accredited college, a provider located in the Commonwealth, or an out of state provider, must be approved by the Commission before they can offer any continuing education courses.

Are all real estate licensees required to complete continuing education in order to renew/reactivate their licenses?

- No. The following real estate licensees are not required to complete continuing education.
 - Cemetery Associate Broker
 - Cemetery Broker
 - Cemetery Broker – Multi-License
 - Cemetery Salesperson
 - Rental Listing Referral Agent
 - Campground Membership Salesperson
 - Builder-Owner Salesperson
 - Timeshare Salesperson
 - All reciprocal licensees



EDUCATION (Continued)

How many continuing education hours are required to renew/reactivate a license?

- Licensees are required to take 14 hours of continuing education to renew or reactivate their license.

For renewals, the hours must be completed during the renewal period, before the expiration date. The renewal period starts on June 1 and runs until May 31 of the next even year.

For reactivations, the hours must be completed within the 2 years immediately preceding the submission of the reactivation application.

Are there any required courses for licensees?

- 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 courses for new licensees in satisfaction of the continuing education requirement. (49 Pa. Code §35.384(b)) This means salesperson licensees must complete the General Module and either the Residential or Commercial Modules before they can renew their license.

The course outlines for the Modules, as well as a list of education providers who offer them, are available on our website.

What is the minimum number of hours for each continuing education course?

- Acceptable courses are required to be a minimum of 2 hours. The Commission will not approve any courses under the 2-hour time minimum.

Must instructors who are licensees teaching approved continuing education courses complete the 14 hours of continuing education?

- A standard license holder who is a qualified continuing education instructor will be deemed eligible for the waiver of 1 hour of continuing education for each hour of actual classroom instruction in an approved continuing education topic that the instructor is qualified to teach. Duplicate hours of instruction in the same topic during the same biennial license period will not be considered for waiver purposes. (49 Pa. §35.383(a)(3))

What elective course topics are acceptable for continuing education?

- Acceptable course topics are located in Section 35.384, 49 Pa. Code §35.384. Before you sign up for a course, please verify **with the provider** that the Commission has approved the course.

Are there any topics that are unacceptable for continuing education credit?

- A list of unacceptable course topics is located in Section 35.384(d), 49 Pa. Code §35.384(d).



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EDUCATION (Continued)

Once a course has been approved for broker credit does it also need to be approved for continuing education credit?

- No, additional approval is not required.

Please note that while colleges and universities may offer courses for broker credit without first obtaining Commission approval, in order for continuing education credit to be offered, the college or university must have the broker course approved by the Commission.

If a licensee cannot complete the continuing education because of active military service, illness, emergency, or hardships, may the licensee receive either a waiver of the requirement or an extension of time to complete the requirement?

- Per Section 35.383, the Commission may waive all or part of the continuing education requirement of §35.382 (relating to requirement) upon proof that the standard license holder seeking the waiver is unable to fulfill the requirement because of illness, emergency or hardship. Requests to waive the continuing education requirement must be filed with the Commission on or before March 31 of the renewal year unless the applicant proves to the satisfaction of the Commission that it was impracticable to do so. (49 Pa. Code §35.383(a) and (b))

Licensees who are unable to complete their continuing education requirements by either instructor-led or distance education learning must provide the Commission with the following:

1. A letter detailing the reason(s) the waiver is needed;
2. If the request is being submitted due to an illness, a current letter from the licensee's medical or osteopathic physician outlining the medical condition and prognosis, and explaining why it is not possible for the licensee to complete either education alternative;
3. If the request is being submitted due to active military service, a copy of the licensee's orders verifying the dates of active service.

Waiver letters and attachments must be received by March 31 of the renewal year. Requests received after March 31 may not be considered before the renewal deadline and may result in the inability to practice.

If a license was issued or reactivated during the two-year renewal period, is any additional continuing education required for renewal?

- A standard license holder who seeks to renew a current license that was initially issued within 6 months of the biennial license period for which the renewal is sought will be deemed eligible for a full waiver of the continuing education requirement. (49 Pa. Code §35.383(a)(1))

A standard license holder who seeks to renew a current license that was reactivated from noncurrent status within 6 months of the biennial license period for which renewal is sought will be deemed eligible for a full waiver of the continuing education requirement. (49 Pa. Code §35.383(a)(2))

Must any additional application be completed if a Pennsylvania provider wants to offer broker or continuing education courses at a site outside of Pennsylvania?

- In addition to provider and course approval, the provider must also obtain satellite location approval. Providers who seek to provide courses out of state should contact the state where the course is being provided to insure that the other state does not have any additional requirements.



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FEES

If a commission on a sale of a property is earned when the licensee holds a current license and then the licensee goes to work for another broker, whom may the former broker pay?

- Per Section 604(a)(12) of the Real Estate Licensing and Registration Act, 63 P.S. §455.604(a)(12), a salesperson or associate broker is prohibited from accepting a commission or any valuable consideration from any person, except the licensed real estate broker with whom he is affiliated.

Section 604(a)(12.1) , 63 P.S. §455.604(a)(12.1), goes on to say that a broker is prohibited from paying a commission or valuable consideration to anyone other than his licensed employees or another real estate broker for the performance of any acts specified in the act.



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NECESSITY/DISPLAY OF LICENSE

May real estate licensees be put into a book and made available for public inspection rather than hanging each license on the wall?

- Yes. Section 35.245 of the Regulations, 49 Pa. Code §35.245, requires that the licenses be maintained in the broker's main office and that each branch office maintain a list of licensees working out of that office.



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RECIPOCAL LICENSURE

What states does Pennsylvania currently have reciprocity with?

- Arkansas
- Georgia
- Louisiana
- Maryland
- Massachusetts
- New York

If I hold a reciprocal license in Pennsylvania, will I have to do Pennsylvania continuing education credit or is it sufficient for me to do my continuing education in the state where I hold a standard license?

- Under Section 602(h)(2) of the Real Estate Licensing and Registration Act, 63 P.S. §455.602(h)(2), reciprocal licensees, unlike standard licensees, are not required to complete Pennsylvania's 14-hour continuing education requirement. Upon request, a Certificate of Licensure dates within 90 days of submission must be provided to verify current licensure in the reciprocal state.

Must I keep my standard license with another state active while I hold a reciprocal license with Pennsylvania?

- In order to obtain and renew your reciprocal license, you must hold the equivalent of a current standard license from a state that has executed a reciprocal agreement with the Pennsylvania Real Estate Commission. When requested, a Certificate of Licensure dates within 90 days of submission must be provided to verify current licensure in the reciprocal state.

If any anytime the standard license in the reciprocal state becomes inactive, the licensee shall notify the Commission within 30 days of the change. To continue practice in Pennsylvania at the end of the renewal period, the reciprocal licensee shall obtain a standard license. Thereafter, the standard licensee shall comply with the requirements for a standard license, including completion of continuing education. (49 Pa. Code §35.255(c))



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SUPERVISION

May a Broker-Sole Proprietor or a Broker of Record serve as the broker of record for more than one real estate entity?

- Yes. A Broker-Sole Proprietor and a Broker of Record may serve as the broker of record for more than one real estate entity.

May a salesperson or associate broker work for more than one broker?

- No. A salesperson or associate broker can only be employed by one broker at a time.