

Chapter 64. Real Estate Commission.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not underlined.)

12 AAC 64.068 is amended by adding a new subsection to read:

12 AAC 64.068. Legal entities. (a) A real estate broker licensed under this chapter may do business as a legal entity when organized under the law of this state.

(b) Real estate brokers and licensees may be paid as legal entities for compensation earned while performing licensed activities. (Eff. 7/1/89, Register 110; am 7/16/94, Register 131; am 2/5/2010, Register 193; am ___/___/___, Register ___)

Authority: AS 08.88.071 AS 08.88.081 AS 08.88.161

12 AAC 64.071(a) is amended to read:

(a) Except as provided in (g) of this section, all licenses lapse January 31 of every even-numbered year unless renewed under this section and in accordance with AS 08.88.091, 08.88.171, and 08.88.251. **A renewal reminder document will be mailed to each licensee with a current expiration date at least 60 days before the renewal date.**

(Eff. 2/6/81, Register 80; am 9/29/83, Register 88; am 7/1/89, Register 110; am 10/8/90, Register 116; am 3/6/91, Register 117; am 7/16/94, Register 131; am 11/1/2003, Register 168; am 1/1/2006, Register 176; am 5/31/2012, Register 202; am ___/___/___, Register ___)

Authority: AS 08.88.081 AS 08.88.095 AS 08.88.251
AS 08.88.091 AS 08.88.171

12 AAC 64.130(4)(B) is repealed:

(B) **repealed** / / [THE RECEIPT AND AGREEMENT TO PURCHASE];

(Eff. 8/6/87, Register 24; am 8/22/79, Register 71; am 10/19/80, Register 76; am 12/6/81, Register 80; am 7/1/89, Register 110; am 7/16/94, Register 131; am 6/28/97, Register 142; am 5/28/98, Register 146; am 11/18/2006, Register 180; am ____/____/____, Register ____)

Authority: AS 08.88.071 AS 08.88.081 AS 08.88.401

12 AAC 64.440 is amended by adding a new subsection to read:

(h) An applicant for initial instructor approval that wishes to substitute completion of an instructor workshop in (d) of this section for teaching experience or training required in (c) of this section, must apply for instructor approval within six months of completing as approved instructor workshop. (Eff. 10/8/90, Register 116; am 3/6/91, Register 117; am 7/16/94, Register 131; am 6/28/97, Register 142; am 2/12/99, Register 149; am 1/1/2006, Register 176; am 6/22/2008, Register 186; am ____/____/____, Register ____)

Authority: AS 08.88.061 AS 08.88.091 AS 08.88.095
AS 08.88.081

The lead-in language of 12 AAC 64.500(n) is amended to read:

(n) Notwithstanding the provisions of 12 AAC 64.420 – 12 AAC 64.450, a licensee who has taken a course offered outside of this state, **,or that is required to earn a professional designation,** by a nationally recognized real estate education provider during a licensing period that has not otherwise been certified under 12 AAC 64.410 and 12 AAC 64.420 may apply to the commission under this subsection for continuing education credit under this section for the

licensee's attendance at that course. To be considered for approval by the commission, within 60 days after completing the course **but not less than** [AND AT LEAST] 60 days before the end of the licensing period, the licensee must submit to the department

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(Eff. 10/8/90, Register 116; am 3/6/91, Register 117; am 7/16/94, Register 131; am 6/28/97, Register 142; am 2/12/99, Register 149; am 11/1/2003, Register 168; am 8/31/2006, Register 179; am 11/18/2006, Register 180; am 6/22/2008, Register 186; am ____/____/____, Register ____)

Authority: AS 08.88.081 AS 08.88.091

12 AAC 64 is amended by adding a new article to read:

Article 10. Errors and Omissions Insurance.

Section

- 600. Insurance required
- 610. Time for filing certification of equivalent coverage
- 620. Nonpayment of premium
- 630. Surrender of license for failure to provide proof of insurance
- 640. Proof of insurance required to activate license
- 650. Authenticity of coverage

12 AAC 64.600. Insurance required. An applicant for issuance of a license on active status, a licensee renewing a license, or a licensee with an inactive or suspended license

activating a license must submit proof of errors and omission insurance coverage through the group plan made available by the commission under AS 08.88.172(d) or through certification of equivalent coverage. (Eff. ____/____/____, Register ____)

Authority: AS 08.88.071 AS 08.88.171 AS 08.88.172
AS 08.88.081

12 AAC 64.610. Time for filing certification of equivalent coverage. A licensee wishing to comply with AS 08.88.172 by obtaining equivalent coverage under AS 08.88.172(c)(2) must file a certification of insurance showing equivalent coverage with the commission.

(1) A licensee wishing to replace coverage under the master insurance policy made available by the commission under AS 08.88.172(c)(1) or independent equivalent coverage with another policy shall file a certification of equivalent coverage with the commission prior to 5:00 p.m. on the date the licensee cancels coverage under the master insurance policy made available by the commission as required by this section; or

(2) An affidavit certifying that the insured licensee has the financial resources to pay the higher deductible or self insured retention to be filed on the form provided by the commission. If the certification is not filed as required by this section, the commission shall suspend the license. (Eff. ____/____/____, Register ____)

Authority: AS 08.88.071 AS 08.88.171 AS 08.88.172
AS 08.88.081

12 AAC 64.620. Nonpayment of premium. If a licensee's insurance company or group

plan notifies the commission that a licensee has not paid a premium, the commission shall suspend any license required under AS 08.88.161 held by that licensee as of the date of termination of coverage. (Eff. ___/___/___, Register ____)

Authority: AS 08.88.071 AS 08.88.171 AS 08.88.172
AS 08.88.081

12 AAC 64.630. Surrender of license for failure to provide proof of insurance.

When a licensee receives a notice of license suspension for failure to provide proof of insurance, the licensee shall immediately surrender any license required under AS 08.88.161 to the commission. (Eff. ___/___/___, Register ____)

Authority: AS 08.88.071 AS 08.88.171 AS 08.88.172
AS 08.88.081

12 AAC 64.640. Proof of insurance required to activate license. A licensee whose license has been suspended for failure to provide proof of errors and omissions insurance may not conduct any activities for which a license is required until proof of obtaining a certificate of insurance has been provided to the commission and the license has been activated. (Eff. ___/___/___, Register ____)

Authority: AS 08.88.071 AS 08.88.171 AS 08.88.172
AS 08.88.081

12 AAC 64.650. Authenticity of coverage. A licensee may not willfully or knowingly cause or allow a certificate of coverage, or an affidavit certifying that the insured licensee has the

financial resources to pay the higher deductible or self insured retention to be filed on a form with the commission that is false, fraudulent, or misleading. (Eff. ____/____/____, Register ____)

Authority: AS 08.88.071 AS 08.88.171 AS 08.88.172
AS 08.88.081

The article heading for Article 10 is amended to read:

Article 11 [10]. General Provisions.