

**520-1-.05****Maintaining a License**

(1) **Required Education.** O.C.G.A. Section 43-40-8 (d) requires that each salesperson must furnish to the Commission within one year of the issuance of an original salesperson's license evidence of satisfactory completion of a post-license course of study of at least 25 instructional hours (other than the Salespersons Prelicense Course or Brokers Prelicense Course) approved by the Commission. Salespersons must have completed such course:

- (a) no earlier than one year before the date of issuance of the original salesperson's license, or
- (b) no later than either:
  - 1. one year after the date of issuance of an original salesperson's license or
  - 2. eighteen months after the date of issuance of an original salesperson's license if the salesperson qualifies for the six month extension of time authorized by the O.C.G.A. Section 43-40-8(d).

(c) if the salesperson is a non-resident who has successfully completed in his or her state of residence a post-license course substantially similar to Georgia's Salespersons Post-license Course prior to the issuance of a Georgia salesperson's license (or in the first year after being issued such a license), then such course shall be deemed to have met the requirements of O.C.G.A. Section 43-40-8(d).

(d) In order to renew an active license, a licensee shall furnish to the Commission evidence of satisfactorily completing thirty-six (36) instructional hours of continuing education courses during the renewal period. The effective date of this requirement shall be July 1, 2015. Any licensee who renews an active license on or after this date must have completed thirty-six (36) hours of continuing education courses to renew.

(e) A licensee shall satisfactorily complete at least three (3) hours of continuing education on the topic of license law during each renewal period. The effective date of this requirement shall be July 1, 2016. Any licensee who renews an active license on or after this date must have completed at least three (3) hours of continuing education on the topic of license law in order to renew.

(2) **Active or Inactive License.**

(a) Every active Georgia associate broker, salesperson, and community association manager shall be licensed under an active Georgia broker; and said associate broker, salesperson, or community association manager cannot be licensed under more than one Georgia broker during the same period of time. An active Georgia associate broker, salesperson, or community association manager may also affiliate a license issued by another state's real estate licensing regulatory body with a broker in that state provided:

- 1. said state's laws allow affiliations in both states; and
- 2. said Georgia resident associate broker, salesperson, or community association manager has the written permission of the broker holding his Georgia license to affiliate with a broker in another state and said written permission clearly delineates (1) the duties that the licensee may undertake for each broker and (2) that the licensee may not undertake brokerage activity on property located in Georgia except in behalf of the active Georgia broker.

(b) After making an original application for licensure to the Commission, a salesperson or a community association manager shall not commence work in real estate brokerage activities until the broker has received the licensee's wall certificate of licensure.

(c) After a licensee makes application to change the status of his or her license to a broker of a sole proprietorship or qualifying broker of a corporation, limited liability company, or partnership, the applicant shall not commence work in real estate brokerage activities until the

applicant has received the wall certificate of licensure for the sole proprietorship, corporation, limited liability company, or partnership.

(d) Any licensee whose license is released by a broker shall not engage in the activities of a real estate broker until the licensee:

1. affiliates his or her license with a new broker and mails a Change Application to the Commission; or
2. receives from the Commission a wall certificate of licensure authorizing the licensee to serve as the broker of a sole proprietorship or the qualifying broker of a corporation, limited liability company, or partnership.

(e) Any licensee who seeks to activate a license which has been on inactive status shall be required to have satisfactorily completed the continuing education requirements which would have been required if such licensee had been on active status or in lieu thereof, requalifying as an original applicant.

(f) This requirement shall not apply to an inactive licensee who can furnish to the Commission evidence that he or she has met the continuing education requirement for each renewal period that his or her license has been on inactive status.

(g) Every active licensee seeking to perform real estate brokerage activity must do so as a broker or on behalf of a real estate broker. Inactive licensees may not perform real estate brokerage activity on any real estate except real estate owned solely by the inactive licensee. Real estate brokerage activity includes sales, leasing, community association management services, property management services, and any of the activities identified under the definition of "Broker" in O.C.G.A. Section 43-40-1.

(h) The license law contains an exception (not available to licensees) that allows an unlicensed person who is a full-time employee of an unlicensed person to perform real estate brokerage activity on property owned by that unlicensed person's employer.

(i) A licensee may not place the licensee's license on inactive status and perform real estate brokerage activity for an unlicensed person. Whenever a real estate licensee wishes to be employed by an unlicensed person in order to perform real estate brokerage activity on real estate owned by that unlicensed person, such licensee must first surrender such licensee's license to the Commission and may not reinstate that license without first qualifying as an original applicant.

(j) A licensee on inactive status may be an employee of an unlicensed person to perform work other than real estate brokerage activity for the unlicensed person.

(3) **Renewals.** Unless renewal fees are paid, all licenses issued under the provisions of paragraph (1) of this Rule will lapse:

(a) in the case of an individual license, on the last day of the month of the birthday of the individual licensee and

(b) in the case of a firm licensed as a broker on the last day of the month of the fourth anniversary of its original licensure.

(4) **Reinstatement of Lapsed License.**

(a) Any licensee whose license lapses due to nonpayment of fees or failure to satisfactorily complete any of the education requirements of O.C.G.A. Chapter 43-40 shall be prohibited from engaging in real estate brokerage activities as defined in O.C.G.A. Section 43-40-1 until such time as the license is reinstated.

(b) Any licensee who has been exempt from the continuing education requirements of O.C.G.A. Section 43-40-8(e), and whose license has lapsed for longer than one year from the

date of lapsing, and who reinstates it by paying the fees cited in Rule 520-1-.04(1) shall thereafter be subject to the continuing education requirements of O.C.G.A. Section 43-40-8 (e).

(c) Any licensee who fails to pay a renewal fee and allows an active license to lapse may reinstate that license to active status within two years of the date of lapsing by paying the fees cited in Rule 520-1-.04(1), provided the licensee has satisfactorily completed the continuing education requirements which would have been required if such licensee had been on active status.

(d) Any licensee who fails to pay a renewal fee and allows an inactive license to lapse may reinstate that license to active status within two years of the date of lapsing by paying the fees cited in Rule 520-1-.04(1) provided the licensee has satisfactorily completed the continuing education requirements which would have been required if such licensee had been on active status

(e) Any licensee who fails to pay a renewal fee and allows an inactive license to lapse may reinstate that license to inactive status within two years of the date of lapsing by paying the fees cited in Rule 520-1-.04(1).

(f) Any licensee who allows either an active or inactive license to lapse for a period longer than two years and less than five years from the date of lapsing may reinstate that license to active status by paying the fees cited in Rule 520-1-.04 (1) and by satisfactorily completing the following educational course:

1. if the lapsed license is that of a community association manager, the Community Association Managers Prelicense Course;
  2. if the lapsed license is that of a salesperson, the Salespersons Prelicense Course; or
  3. if the lapsed license is that of a broker or associate broker, the Brokers Prelicense Course.
- Courses taken to reinstate a license as provided in 1. , 2. and 3. above must be taken within one year prior to making application for and paying the fees required for reinstatement.

(g) Any licensee who fails to pay a renewal fee and allows a license to lapse and who does not elect to reinstate the license under the provisions of paragraph (4) (c), (d), (e) or (f) of this Rule may reinstate the license by retaking and passing the appropriate qualifying examination for that license including the national portion of the examination.

(h) Any licensee whose license has lapsed a period of time longer than five years from the date of lapsing due to a failure to pay required fees and who desires to re-qualify for a license must do so as an original applicant.

(i) Any active licensee whose license lapses for not completing any continuing education required for renewal of a license shall automatically upon paying a renewal fee become an inactive licensee and subject to the rules which govern an inactive license.

(j) Any salesperson whose license lapsed for failure to satisfactorily complete the 25 instructional hours of post-license education required by O.C.G.A. Section 43-40-8(d) may reinstate the license only as provided in that Code section. Any such salesperson whose license has lapsed for a period of time longer than five years due to a failure to complete the post-license education requirements in a timely manner and who desires to re-qualify for a license shall do so by re-qualifying as an original applicant.

(k) Any licensee whose license lapses for any reason and who then applies to reinstate that license or any licensee whose license is on inactive status and who then applies to reactivate that license shall not commence work in real estate brokerage activities until:

1. if a broker, he or she has received the broker's certificate of licensure; or

2. if a community association manager, salesperson, or associate broker, the broker with whom the licensee is affiliated has received the licensee's certificate of licensure.

**(5) Notification of Legal Action and Change of Address.**

(a) Every licensee shall notify the Commission in writing of the final disposition of any administrative, civil, or criminal action filed in any court of competent jurisdiction or any administrative agency whenever that final disposition involves the subject matter of the offenses cited in O.C.G.A. Sections 16-13-111, 43-40-15, or 43-40-25. Such notice of any administrative or civil action shall be given to the Commission within ten (10) days of the conclusion of the court or administrative proceedings and shall include a copy of any final order entered by the court or agency. Such notice of any criminal action shall be given to the Commission within ten days of any conviction and shall include a copy of the indictment, accusation, and the conviction.

(b) Each licensee, approved school, or approved instructor must notify the Commission in writing within one month of any change in any such licensee's, approved school's, or approved instructor's mailing address or residence address, or email address if an email address is maintained by such licensee, approved school, or approved instructor.

**(6) Nonresident Licensure and Brokerage.**

(a) Nonresidents who meet the requirements prescribed in O.C.G.A. Section 43-40-9 and the Rules and Regulations of the Commission may be granted a nonresident's license.

(b) Licensees who remove their residency from this state to another state may qualify for nonresident licensure in accordance with O.C.G.A. Section 43-40-9 only if they make application to change their status from resident to nonresident, sign a Consent to Jurisdiction, and sign an agreement to cooperate with any investigation initiated by the Commission.

(c) A nonresident broker can serve as a qualifying broker for any corporation, limited liability company, or partnership licensed by the Commission. A nonresident broker can be the qualifying broker for an out-of-state corporation or limited liability company which becomes licensed by the Commission and is authorized by the Secretary of State's Corporation Division to do business in the State of Georgia.

(d) Licensees who move from this state to another state may elect to place their licenses on inactive status rather than seeking a nonresident's license to avoid termination of their license. Licensees who elect such inactive status may not then conduct brokerage business in this state until they have again become residents of this state and have complied with the reactivation provisions of O.C.G.A. Section 43-40-12 or have qualified for nonresident licensure as provided in paragraph (2) of this rule.

(e) Any nonresident licensee whose license lapses for failure to pay a renewal fee may reactivate that license by paying the fee required of an original applicant if such nonresident has maintained an active license in his or her state of residence during the period that his or her license lapsed and has met that state's continuing education requirements.

(f) No Georgia licensee may perform or attempt to perform any of the acts of a broker as defined in O.C.G.A. Section 43-40-1 on property located in another state without having first been properly licensed in that state or otherwise complied fully with that state's laws regarding real estate brokerage.

(g) An applicant for non-resident licensure must also comply with the requirements set forth in Rule 520-1-.04(3)(g).

**(7) Retention of Certificate of Licensure.** Upon making such request in writing to the

Commission, any licensee who retires after twenty years of active licensure or the family of any licensee who is deceased shall be allowed to retain the licensee's wall certificate of licensure and pocket card for non-brokerage purposes.

Authority: O.C.G.A. Secs. 43-40-1, 43-40-2, 43-40-8, 43-40-9, 43-40-12, 43-40-14, 43-40-25. **History.** Original Rule entitled "Offers to Purchase" adopted as ER. 520-1-0.1-.05. F. and eff. July 12, 1973, the date of adoption. **Amended:** Permanent Rule entitled "Purchasing Equities" adopted. F. Dec. 7, 1973; eff. Dec. 27, 1973. **Repealed:** F. May 8, 1981; eff. June 1, 1981, as specified by the Agency. **Amended:** New Rule entitled "Reinstatement of Inactive License" adopted. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency. **Repealed:** New Rule of same title adopted. F. Nov. 14, 1983; eff. Jan. 1, 1984, as specified by the Agency. **Amended:** F. Jan. 21, 1987; eff. Feb. 14, 1987, as specified by the Agency. **Amended:** F. May 13, 1987; eff. July 1, 1987, as specified by the Agency. **Amended:** Rule retitled "Reactivation of Inactive License" adopted. F. July 20, 1987; eff. Aug. 9, 1987. **Amended:** F. Apr. 17, 1990; eff. May 7, 1990. **Amended:** F. Dec. 16, 1991; eff. Jan. 5, 1992. **Amended:** F. July 11, 1997; eff. July 31, 1997. **Repealed:** New Rule entitled "Maintaining a License" adopted. F. Nov. 12, 2003; eff. Dec. 2, 2003. **Amended:** F. Dec. 10, 2003; eff. Dec. 30, 2003. **Amended:** F. Feb. 11, 2004; eff. Mar. 2, 2004. **Amended:** F. Dec. 19, 2005; eff. Jan. 8, 2006. **Amended:** F. Feb. 15, 2006; eff. Mar. 7, 2006. **Amended:** F. Aug. 15, 2007; eff. Sept. 4, 2007. **Amended:** F. Jun. 5, 2013; eff. Jun. 25, 2013. **Amended:** F. Apr. 7, 2014; eff. May 1, 2014, as specified by the Agency. **Amended:** F. Aug. 14, 2014; eff. Sep. 3, 2014.