

NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING FOR THE ADOPTION, AMENDMENT OR REPEAL OF REGULATIONS OF THE NEVADA REAL ESTATE COMMISSION

LCB FILE No. R199-22

The Nevada Real Estate Commission will conduct a public hearing at **9:00 a.m. on Tuesday, February 20, 2024**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 645 of the Nevada Administrative Code.

Members of the public can listen to the hearing and participate during the agenda items designated for public comment by telephone.

WEBEX DIAL-IN NUMBER: (844) 621-3956

MEETING NUMBER (ACCESS CODE): 2486 737 5885 ##

MEETING PASSWORD: p2nFAm7z9kA

The following information is provided pursuant to the requirements of NRS 233B.060:

Information Regarding Adoption

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

1. Purpose and need of the proposed regulations

The onset of new technologies to coordinate and conduct education classes has created a need for regulation regarding these practices. Language is being proposed to define 'live-instruction' and 'classroom' methods to provide some guidelines for education sponsors. In order to provide education sponsors with more flexibility in scheduling classes, language is being proposed to register instructors which will provide sponsors access to a larger pool of instructors which may increase availability of courses. Regulations are also proposed to increase the time required for sponsors to submit class rosters, which will cut down on errors in submission.

2. Terms of the proposed regulations

- Creates a definition for the term 'classroom'
- Creates a definition for the term 'live instruction'

- Establishes criteria for continuing education standards for education sponsors
- Establishes eligibility requirements for the approval and registration of instructors
- Specifies process of approval of distance education courses
- Revises provisions relating to distance education standards for sponsors
- Specifies the process for course approval
- Amends the standards for courses submitted to the Real Estate Division for approval
- Revises the requirements and standards for sponsors seeking approval of courses
- Amends the provisions for which an administrative fine may be imposed by the Administrator of the Real Estate Division
- Repeals the definition of the term ‘franchise’

3. Estimated Economic Effect

(a) Adverse effects:

The definition of Classroom is being expanded to include digital platforms and interactive media. The definition of Live instruction is also being expanded to include digital platforms and hybrid teaching modes. There should be no adverse effect on small businesses as there is no additional cost to the business or a requirement to change their current practices. There were no comments made suggesting an adverse financial effect on small businesses. There were some comments made regarding the potential of time and/or attention constraints on the instructor due to hybrid instruction. There may be some costs to the business to upgrade technology systems in order to position themselves to provide the service. However, an increase in student participation and class accessibility due to a virtual platform may also provide additional revenue.

(b) Beneficial effects:

The changes to classroom and live instruction definitions will significantly benefit education sponsors as this allows them to take their existing courses and offer it in different live and classroom formats. Changes to the instructor registration enables the instructors to receive approved certification by the Division prior to submitted course applications. This will streamline the course approval process and reduce the paperwork submitted with each course approval for the sponsors. Registered instructors will have the ability to network and potentially contract to work with sponsors seeking to teach courses; this expands the availability of classes which may provide a financial benefit to the sponsor. A sponsor’s ability to pre-market the courses pending Division approval may also provide increased exposure to the business. The regulation also increases the time required to submit course attendance which may assist providers in providing more accurate records to the Division. The regulation also removes the requirement to submit class schedules by small business allowing for more flexibility in scheduling.

(c) Immediate effect:

Based on the changes to classroom and live instruction definitions, the Division anticipates a significant increase in courses submitted for approval and an increase in the number of courses offered in Pre, Post and Continuing education. Changes to the instructor registration will also increase the number

of instructors applying to register with the Division. This will allow a larger pool of qualified instructors for the sponsors to choose from, thereby increasing their ability to advertise and increasing revenue. A more flexible schedule may also attract more students with varied schedules. Less regulation on the sponsor to submit documentation within specific timeframes may also allow the sponsor more time to ensure accurate information is submitted to the Division.

(d) Long term effects:

These proposed changes will potentially increase the different options for business to provide education to licensees. This should increase the number of businesses in the education space and also attract new business into the industry. An increase in different teaching formats may increase visibility and student participation from licensees throughout the state. A hybrid classroom may contribute to greater shared learning of practices between licensees in rural and urban areas of the state.

4. Estimated Cost to the Agency.

There will be no additional cost to the agency for enforcement of LCB File No. R199-22.

5. Duplication with other Agencies:

LCB File No. R199-22 does not include any provisions which duplicate or are more stringent than federal, state or local standards.

6. Federal Law:

LCB File No. R199-22 does not include any provisions which duplicate or are more stringent than federal, state or local standards.

7. Federal Regulation:

LCB File No. R199-22 does not include any provisions which duplicate or are more stringent than federal, state or local standards.

8. New Fee Established:

LCB File No. R199-22 does not establish any new fees.

Comments and Written Submissions

Persons wishing to comment on the proposed action of the Commission may appear at the scheduled public hearings or may address their comments, data, views or arguments, in written form to:

Nevada Real Estate Division
Attn: Shareece Bates, Administration Section Manager
3300 W. Sahara Avenue, Suite 350
Las Vegas, NV. 89102
PublicComments@red.nv.gov

Written submissions must be received by the Division no later than Tuesday, February 20, 2024. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission may proceed immediately to act upon any written submissions.

Copies of Proposed Regulation

A copy of this notice and the proposed regulation will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and the proposed regulation are available on the Division website at www.red.nv.gov and at the Division office:

Real Estate Division
3300 W. Sahara Avenue, Suite 350
Las Vegas, NV. 89102

The text of each regulation will include the entire text of any section of the Nevada Administrative Code, which is proposed for amendment or repeal. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at:

<http://www.leg.state.nv.us/Register/2022Register/R199-22P.pdf>

Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Nevada Real Estate Division
1818 E. College Parkway, Suite 110
Carson City, Nevada 89706

Carson City Library
900 N. Roop Street
Carson City, Nevada 89701

Churchill County Library
553 S. Maine Street
Fallon, Nevada 89406

Elko County Library
720 Court Street
Elko, Nevada 89801

Lincoln County Library
63 Main Street
PO Box 330
Pioche, Nevada 89043

Lyon County Library
20 Nevin Way
Yerington, Nevada 89447

Tonopah Public Library
167 S. Central Street
Tonopah, Nevada 89049

Washoe County Library-Reno
301 S. Center Street
Reno, Nevada 89501

Battle Mountain Library
625 S. Broad Street
Battle Mountain, Nevada 89820

State of Nevada Legislative Counsel
Bureau website
<https://www.leg.state.nv.us/>

State of Nevada Public Notice website
<https://notice.nv.gov/>

Nevada State Business Center
3300 W. Sahara Avenue
Las Vegas, Nevada 89102
www.red.nv.gov

Las Vegas-Clark County Library
833 N. Las Vegas Boulevard
Las Vegas, Nevada 89101

Douglas County Public Library
1625 Library Lane
Minden, Nevada 89423

Goldfield Public Library
PO Box 430
Goldfield, Nevada 89013

Humboldt County Library
85 E. Fifth Street
Winnemucca, Nevada 89445

Storey County Library
PO Box 999
175 E. Carson Street
Virginia City, Nevada 89440

Mineral County Library
PO Box 1390
Hawthorne, Nevada 89415

Pershing County Library
400 Main Street
Lovelock, Nevada 89419

White Pine County Library
950 Campton Street
Ely, Nevada 89301