

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. R060-20

The Nevada Real Estate Commission will conduct a public hearing at **9:00 a.m. on Monday, December 7, 2020**. 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.

DIAL-IN NUMBER: 1-844-621-3956

**MEETING NUMBER (ACCESS CODE):
146 916 9796**

MEETING PASSWORD: 99477694856

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

In 2019, the Nevada Legislature passed Senate Bill 230 which made changes to conditions under which a licensee may advertise under a nickname, changed the number of hours for pre-licensing education and established a minimum total number of hours required in designated areas of education, required the Real Estate Commission to adopt regulations which require a minimum of 36 hours of continuing education and provide for an exemption from subject matters requirements for a person who is 65 years of age or older and who has been licensed in good standing as a real estate licensee in this State for 30 years or more. The proposed regulation transfers certain duties of the Real Estate Commission to the Real Estate Division

2. Terms of the proposed regulations

- Establishing provisions relating to courses of instruction offered by distance education.
- Exempting certain licensees who are 65 years of age or older from certain continuing education requirements.
- Authorizing a licensee to advertise services using a nickname in certain circumstances.
- Revising provisions relating to booklets providing information on certain legal disclosures.
- Revising provisions relating to applicants for licensure as a real estate broker, real estate broker- salesperson or real estate salesperson.
- Transferring certain duties of the Real Estate Commission to the Real Estate Division of the Department of Business and Industry, acting on behalf of the Commission.
- Revising various provisions concerning post licensing and continuing education.
- Revising provisions relating to the advertisement of the services of a licensee.
- Removing certain administrative fines.
- Revising provisions concerning the regulation of owner-developers, property managers and business brokers.
- Repealing certain obsolete and duplicative definitions.
- Repealing provisions relating to the activation of a reinstated license.

3. Estimated Economic Effect

(a) Adverse effects:

Increases in the education requirements for pre-licensing and continuing education is proposed in the regulation change. This increase will necessitate schools, educational institutions and sponsors to offer additional classes to cover the mandatory hours. This may require developing new curriculum, revising current offerings and increasing capacity.

The costs and time to licensees to take more continuing education is a burden.

Education provider stated that writing and supplying new content will be expensive and time consuming.

(b) Beneficial effects:

Allowing licensees to use nicknames in advertisements allows licensees more flexibility. Requiring license numbers on advertisement increases public protection.

The increase in continuing education will make for more knowledgeable licensees and provides additional public protection. Adding "Risk Reduction" as a designated area of continuing education and increasing the number of hours required to renew a property manager permit will make for more knowledgeable and professional licensees.

Allowing licensees who are 65 years of age or older who has been licensed for 30 years or longer in good standing to take at least 12 hours of continuing

education is beneficial to licensees who have experience and longevity in the industry.

(c) Immediate effect:

A school that provides education for real estate licensees commented that unless the regulation gives time for education sponsors to start teaching the correct number of hours by setting a future date for the regulation to take effect, licensees who are currently or previously took courses but have not renewed should be provided with additional education at no charge to the licensee.

(d) Long term effects:

A Nevada licensed attorney and real estate licensee suggested that continuing education for Nevada attorneys in good standing be permitted a waiver of any additional continuing education.

4. Estimated Cost to the Agency.

There will be no additional cost to the agency for enforcement of LCB File No. R060-20.

5. Duplication with other Agencies:

LCB File No. R060-20 does not include any provisions which duplicate or are more stringent than federal, state or local standards.

6. Federal Law:

LCB File No. R060-20 does not include any provisions which duplicate or are more stringent than federal, state or local standards.

7. Federal Regulation:

LCB File No. R060-20 does not include any provisions which duplicate or are more stringent than federal, state or local standards.

8. New Fee Established:

LCB File No. R060-20 does not establish 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: Teralyn Lewis, Administration Section Manager
3300 W. Sahara Avenue, Suite 350
Las Vegas, NV. 89102
Teralyn.Lewis@red.nv.gov

Written submissions must be received by the Division no later than Friday, December 4, 2020. 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:

<https://www.leg.state.nv.us/Register/2020Register/R060-20RP1.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