

**PROPOSED REGULATION OF THE  
REAL ESTATE COMMISSION**

**NAC 645**

**AGENCY DRAFT**

November 10, 2022

EXPLANATION – Matter in *italics* is new; matter in brackets [omitted material] is material to be omitted.

Chapter 645 of NAC is hereby amended by adding thereto the provisions set forth in section 2 inclusive of this regulation.

**Section 1.** *“Classroom” defined. (NRS 645.190) “Classroom” means instruction delivered in such a manner that the instructor and student are either physically located within the same venue simultaneously or on a digital livestreaming platform in such a manner that the instructor and student are separated by distance but not time.*

**Section 2.** *“Live instruction” means a course that is instructor led in real time in a physical in-person classroom and/or delivered digitally through a livestreaming platform and/or a combination of classroom instruction and digital livestreaming in such a manner that the instructor and student are separated by distance but not time.*

**Section 3.** *Continuing Education Standards for sponsors seeking approval of new course.*

*1. Any school or sponsor that has submitted a course application for consideration of approval by the Division shall not:*

*(a) Advertise the course before receiving formal notification of approval containing the number assigned to the course from the Division.*

*(b) Accept payment for a course that has not received formal notification of approval by the Division.*

*(c) Select more than one designation in a single application, unless one of the designations is for general credit.*

*2. A violation of subsections a-c of 1 of this section may constitute grounds for denial of the course application by the Administrator as described in NAC 645.4434.*

*3. If the Administrator withdraws approval of a school or sponsor's course, the sponsor may appeal the decision of the Administrator as described in NAC 645.4434.*

#### **Section 4. "Commission Term"**

*1. After the Governor's initial appointments of members to the Commission, all such members shall hold office for a term of 3 years. Members are eligible for reappointment but shall not serve for a period greater than 6 years consecutively or until their successor has been appointed and have qualified, after which time they are not eligible for appointment or reappointment until 3 years have elapsed from any period of previous service. If a successor is appointed to fill the balance of any unexpired term of a member, the time served by the successor shall not apply in computing the 6 years' consecutive service unless the balance of the unexpired term exceeds 18 months.*

#### **Section 5. NAC 645.426 Instructors: Requirements for and restrictions on approval; appeal of denial of approval; periodic review and evaluation. ([NRS 645.190](#), [645.343](#), [645.575](#))**

*1. Beginning 06/30/2025, ~~[An]~~ an instructor must ~~[have written approval from]~~ possess an active instructor registration from the Division before teaching an approved course within their designated field(s) as determined by the Division based on the applicant's education and experience.*

*2. An applicant for ~~[approval]~~ initial registration as an instructor must apply on a form prescribed by the Division and pay a \$100 application fee.*

3. *If an instructor applicant has been disciplined by the Commission or the Division acting on behalf of the Commission, the Administrator shall review the facts and circumstances surrounding the person's conduct to determine whether their ability to instruct is adversely impacted. The Division shall not, without the approval of the Commission, certify a person as an instructor if:*
- (a) The instructor applicant has been disciplined by the Division acting on behalf of the Commission more than twice in the immediately preceding 10 years, or*
  - (b) The Administrator determines the person's conduct resulting in discipline adversely impacts their ability to instruct appropriately.*
4. ~~The Division shall not, without the approval of the Commission, [approve] certify a person as an instructor if the person:~~
- ~~(a) Has been disciplined by the Commission or the Division acting on behalf of the Commission:~~
    - ~~(1) Within the immediately preceding 5 years; or~~
    - ~~(2) More than one time; or~~
  - ~~(b) Has been determined in an administrative or judicial proceeding to have violated any statute, rule, regulation or order pertaining to real estate in this or any other state.~~
5. A person may be ~~[approved]~~ *registered* as an instructor to teach ~~[an]~~ approved ~~[course relating to his or her principal occupation]~~ *courses within their designated field(s)* if:
- (a) The person has:
    - (1) A bachelor's degree or a more advanced degree, plus at least 2 years of full-time experience, in the *designated* ~~[field]~~ *field(s)* in which he or she will be providing instruction;

- (2) Teaching experience of at least 75 hours in the *designated ~~[field]~~ field(s)* in which he or she will be providing instruction within the 3 years immediately preceding the date of the person's application for ~~[approval]~~ *registration* plus at least 3 years of full-time experience in that field;
  - (3) At least 6 years of full-time experience in the *designated ~~[field]~~ field(s)* in which the person will be providing instruction; or
  - (4) Any combination of at least 6 years of college-level course work and full-time experience in the *designated ~~[field]~~ field(s)* in which the person will be providing instruction;
- 6. The person has a good reputation for honesty, integrity and trustworthiness; ~~[and]~~
  - 7. The person submits to the Division satisfactory documentation of his or her qualifications and a resume outlining his or her experience, education and teaching experience in the field in which the person will be providing instruction~~[.]~~;
- 8. The person has actively participated in and completed an instructor workshop offered by the Division within 6 months following the date of their initial application for instructor registration was received by the Division.*
- 9. If the Division denies an application for ~~[approval]~~ *registration* as an instructor, the applicant may appeal the decision of the Division by filing an appeal with the Commission not later than 30 days after the date on which the applicant received notification of the denial of the application for ~~[approval]~~ *registration* as an instructor.
  - 10. If the applicant files a timely appeal, the Commission will, as soon as practicable, hold a hearing concerning the denial of the application for ~~[approval]~~ *registration* as an instructor at a regularly scheduled meeting of the Commission and will:
    - (a) Affirm the decision of the Division to deny the application for ~~[approval]~~ *registration* as an instructor;

- (b) ~~[Approve]~~ **Register** the instructor for a limited period and under such conditions as the Commission deems appropriate; or
- (c) Reverse the decision of the Division to deny the application for ~~[approval]~~ **registration** as an instructor.

11. The Division shall periodically review and evaluate each ~~[approved]~~ **registered** instructor.

***12. An instructor registration by the Division is valid for 24 months from the date of approval.***

***13. An instructor registered by the Division shall:***

- a. Provide current information to the Division within 30 days of a change in name and/or contact information on a form prescribed by the Division;***
- b. Reapply for renewal on a form prescribed by the Division no earlier than 45 days before the expiration of their registration;***
- c. Pay a \$50 filing fee for each renewal of their registration; and***
- d. Actively participate in and complete an instructor workshop offered by the Division within the 12 months immediately preceding the date of their renewal application.***

***14. A registered instructor shall only teach approved courses within their designated field(s) as listed on their certificate provided by the Division.***

***15. A sponsor shall ensure that any person listed as an instructor on a course application or any individual instructing their approved course possesses a current instructor registration from the Division before listing them as an instructor or allowing them to instruct their Division approved course(s).***

***16. A sponsor shall submit a course affiliation request on a form prescribed by the Division specifying the instructor's first name, last name, registration number, and list of credential numbers for their Division approved courses they would like the registered instructor to teach prior to allowing them to be listed as an instructor or to instruct the course(s). A***

*sponsor shall not list the instructor or allow the individual to instruct the course until receiving notification from the Division that their request pursuant to this subsection has been processed.*

**Section 6. NAC 645.427 Instructors: Withdrawal of approval. ([NRS 645.190, 645.343, 645.575](#))**

**1.** The Administrator may withdraw ~~[the approval of an instructor]~~ the *registration* of an instructor

who:

- (a) Does an inadequate job of teaching the subject matter of a course as evidenced by a student evaluation, a complaint received by the Division or an audit conducted by the Division;
- (b) Has been determined in any administrative or judicial proceeding to have violated any statute, rule, regulation or order pertaining to real estate;
- (c) Has been convicted of, or entered a plea of guilty or nolo contendere to, any crime involving fraud, deceit, misrepresentation or moral turpitude; ~~{or}~~
- (d) Engages in inappropriate behavior in the classroom as evidenced by a student evaluation, a complaint received by the Division or an audit conducted by the Division~~[.];~~;

*or*

*(e) Fails to fulfill their duties pursuant to NAC 645.428.*

~~{2. Before withdrawing approval of the instructor of a course, the Administrator must notify the sponsor of the course of his or her intent to withdraw approval of the instructor. The notice must include the specific reasons upon which the Administrator is basing the decision to withdraw the approval of the instructor. Not later than 30 days after the date on which he or she receives the notice, a sponsor may provide a written response to the Administrator that clearly sets forth the reasons why the approval of the instructor should not be withdrawn and outlining any corrective~~

~~measures that the sponsor will undertake. After the 30-day period has elapsed, the Administrator shall review the notice and any response submitted by the sponsor and shall:~~

- ~~—(a) Withdraw approval of the instructor;~~
- ~~—(b) Allow the instructor to remain approved if certain specific enumerated conditions are met; or~~
- ~~—(c) Allow the continued approval of the instructor.~~

~~Ê If the Administrator decides to withdraw approval of the instructor, the withdrawal of approval of the instructor becomes effective upon the mailing of the Administrator's decision to the sponsor of the course taught by the instructor by certified mail, return receipt requested, to the sponsor's last known business address.}]~~

*2. Before withdrawing the registration of an instructor, the Administrator must notify the instructor of their intent to withdraw their registration. The notice must include the specific reason(s) upon which the Administrator is basing the decision to withdraw the registration of the instructor. Not later than 30 days after the date on which the instructor receives the notice, the instructor may provide a written response to the Administrator that clearly sets forth the reasons why the registration of the instructor should not be withdrawn and outlining any corrective measures the instructor will undertake. After the 30-day period has elapsed, the Administrator shall review the notice and any response submitted by the instructor and shall:*

- (a) Withdraw registration of the instructor and notify all sponsors of Division approved courses to which the instructor has been affiliated of the decision to withdraw registration;*
- (b) Allow the instructor to remain registered if certain specific enumerated conditions are met, including but not limited to requiring the instructor to retake the instructor workshop; or*
- (c) Allow the instructor to continue to be registered.*

*⇒ If the Administrator decides to withdraw registration of the instructor, the withdrawal of registration becomes effective upon the mailing of the Administrator's decision to all sponsors*

*of courses taught by the instructor by certified mail, return receipt requested, to each sponsor's last known business address.*

3. *Each sponsor notified as provided for above shall:*

*(a) Upon receipt of the Administrator's decision, ensure the instructor is no longer affiliated with their Division approved courses by removing the instructor's name from all course materials and ensuring that the instructor does not continue to teach them; and*

*(b) Notify the Division within 15 days after executing this change to all courses the instructor was affiliated with.*

4. If the Administrator withdraws ~~[approval]~~ *registration* of an instructor, the Division shall give credit to a student for completing the course if the student began the course before the sponsor received written notice of the withdrawal of ~~[approval]~~ *registration* of the instructor.

5. The ~~[sponsor]~~ *instructor* may appeal the decision of the Administrator to withdraw ~~[approval of an instructor]~~ *their registration* by filing an appeal with the Commission not later than 30 days after the date on which the withdrawal of the ~~[approval]~~ *registration* of the instructor becomes effective.

6. If the ~~[sponsor]~~ *instructor* files a timely appeal, the Commission will, as soon as practicable, hold a hearing concerning the withdrawal of ~~[approval]~~ *registration* of the instructor at a regularly scheduled meeting and will:

(a) Affirm the decision of the Administrator to withdraw ~~[approval]~~ *registration* of the instructor;

(b) Suspend ~~[approval]~~ *registration* of the instructor for a limited period and under such conditions as the Commission deems appropriate, *including but not limited to requiring the instructor to retake the instructor workshop*; or

(c) Reverse the decision of the Administrator to withdraw ~~[approval]~~ *registration* of the instructor.

**Section 7. NAC 645.428 Instructors: Duties. ([NRS 645.190](#), [645.343](#), [645.575](#))**

1. ~~{An}~~ *A registered* instructor shall ensure that *a course*:
  - (a) ~~{Class sessions are}~~ *Is* commenced in a timely manner ~~{and are}~~;
  - (b) *Is* conducted for the full amount of time that *it* is approved; and
  - ~~{(b) Each course is}~~ *(c) Is* taught according to the course plan and instructor guide that was approved by the Division, including the furnishing to students of appropriate student materials.
2. ~~{An}~~ *A registered* instructor shall conduct himself or herself in a professional and courteous manner when performing his or her instructional duties and shall conduct classes in a manner that demonstrates the following basic teaching skills:
  - (a) The ability to present instruction in a thorough, accurate, logical, orderly and understandable manner, to utilize illustrative examples as appropriate and to respond appropriately to questions from students;
  - (b) The ability effectively to utilize varied instructional techniques in addition to lectures, including, without limitation, class discussion, role-playing and other techniques;
  - (c) The ability to utilize varied instructional aids effectively to enhance learning;
  - (d) The ability to maintain an appropriate learning environment and effective control of a class; and
  - (e) The ability to interact with adult students in a positive manner that:
    - (1) Encourages students to learn *and actively participate*;
    - (2) Demonstrates an understanding of varied student backgrounds;
    - (3) Avoids offending the sensibilities of students; and
    - (4) Avoids personal criticism of any other person, agency or organization.
3. *A registered instructor affiliated with a distance education course that is not taught through live instruction shall:*

- (a) Be reasonably available to respond to questions from students concerning the subject matter of the course and direct students to additional sources of information within 2 business days pursuant to NAC 645.443(1)(f), unless another registered instructor affiliated with the same course has already responded to the same question posed by the same student;*
- (b) When contacted by a student concerning a dispute with the course registration process, course materials, or course platform, engage in good faith efforts to resolve such disputes including but not limited to, directing the student to the sponsor of the course for further assistance; and*
- (c) Demonstrate the ability to interact with adult students in a positive manner that:*
- (1) Encourages students to learn and actively participate;*
  - (2) Demonstrates an understanding of varied student backgrounds;*
  - (3) Avoids offending the sensibilities of students; and*
  - (4) Avoids personal criticism of any other person, agency or organization.*

(Added to NAC by Real Estate Comm'n by R031-04, eff. 11-30-2004)

**Section 8. NAC 645.443 Approval of distance education course. ([NRS 645.190](#), [645.575](#))**

1. A person who requests approval of ~~[a]~~ distance education course must demonstrate to the satisfaction of the Division that the proposed distance education course satisfies the following requirements:

(a) The course must *contain stated learning objectives that are appropriate to professional education.*

*(b) The course must* be designed to ensure that students actively participate in the instructional process by utilizing techniques that require substantial interaction with the ~~[instructor, other students or a]~~ computer program. ~~[If the subject matter of the course is such that the learning objectives for the course cannot be reasonably accomplished without direct interaction between the instructor and the students, the course design must provide for such interaction.]~~

~~[(b)] (c) [If the course does not provide students with the opportunity for continuous audio and visual communication with the instructor during the presentation of the course, the]~~ *The* course must

utilize testing and *relevant* remedial processes appropriate to ensure mastery of the subject matter of the course by the students.

~~[(e)]~~(d) If the course involves self-paced study, the course must be designed so that the time required for a student of average ability to complete the course is within the number of hours for which the course is approved, and the sponsor of the course shall utilize a system which ensures that students have actually performed all tasks designed to ensure participation and mastery of the subject matter of the course by the students.

~~[(d)]~~(e) The proposed methods of instruction used in the course must be appropriate to the proposed learning objectives of the course, and the scope and depth of the instructional materials must be consistent with the proposed learning objectives.

~~[(e)]~~(f) The sponsor of the course shall provide appropriate technical support to enable students to complete the course satisfactorily.

~~[(f)]~~(g) ~~[An approved]~~A *registered* instructor must be reasonably available to respond timely to questions asked by students concerning the subject matter of the course and to direct students to additional sources of information. For the purposes of this paragraph, a response by ~~[an approved]~~a *registered* instructor shall be deemed timely if the response is made within 2 business days after the question is submitted.

~~[(g)]~~(h) The sponsor of the course shall provide students with an orientation or information package which contains all information that the Division requires to be provided to students and all necessary information about the course, including, without limitation, information concerning fees and refund policies, subject matter and learning objectives, procedures and requirements for satisfactory completion, any special requirements with regard to computer hardware and software or other equipment, and instructor and technical support. The sponsor shall make available to students technical support relating to the use of any computer hardware or software, or other equipment or technology needed to complete the course.

~~[(h)]~~(i) The sponsor of the course shall utilize procedures which reasonably ensure that a student who receives continuing education credit for completing the course actually performed all the work required to complete the course. If the course involves independent study by students, such procedures must include, without limitation, the opportunity for direct contact by the sponsor with the student at the student's home or business via the telephone or electronic mail and a signed statement by the student certifying that he or she personally completed all course work. The sponsor shall retain such

signed statements and records of student contact together with all other course records the sponsor must maintain.

2. A sponsor seeking approval of a computer-based distance education course must submit a complete copy of the course to the Division in the medium to be used and, if requested, must make available, at a date and time satisfactory to the Division and at the sponsor's expense, all equipment and software necessary to enable the Division to review the course. In the case of an Internet-based course, the sponsor shall provide the Division with access to the course via the Internet at no charge at a date and time satisfactory to the Division.

3. In determining whether to approve a distance education course pursuant to this section, the Division shall consider whether:

- (a) The course consists of at least 3 hours of instruction;
- (b) Students are required to complete a written examination proctored by a person acceptable to the Division or using a secure electronic method acceptable to the Division; and
- (c) The course is presented by an accredited college or university that offers distance education in other disciplines, or whether the course design and method of delivery has been accredited by an accrediting agency which accredits distance education and which is approved by the Division. For an accrediting agency to be approved by the Division for the purposes of this paragraph, the accrediting agency must use the following considerations when making its determination on whether to accredit a distance education course:

- (1) The mission statement of the sponsor of the course;
- (2) The minimum design of the course and the procedures for updating the course;
- (3) The interactivity of the instruction with the students;
- (4) Whether the instruction provided in the course teaches mastery of the course material;
- (5) The support services that are available to students;
- (6) The medium through which the course is delivered to students;
- (7) A time study of the range of instructional hours for which a course should be approved or accredited;
- (8) For each module of instruction, whether there is:
  - (I) At least one learning objective for the module of instruction;
  - (II) A structured learning method to enable the student to achieve each such learning objective;

(III) A method of assessment of the student's performance during the module of instruction;  
and

(IV) A method of remediation pursuant to which a student who, based on the assessment of his or her performance, is determined to be deficient in his or her mastery of the course material may repeat the module until the student understands the course material; and

(9) Whether a complete syllabus or student manual, or both, for all courses or programs is provided in written form and includes accurate and clearly stated information about admissions, progression, completion, criteria, dismissal and any applicable licensing requirements.

1. A person who requests approval of a distance education course must demonstrate to the satisfaction of the Division that the proposed distance education course satisfies the following requirements:

- (a) The course must be designed to ensure that students actively participate in the instructional process by utilizing techniques that require substantial interaction with the instructor, other students or a computer program. If the subject matter of the course is such that the learning objectives for the course cannot be reasonably accomplished without direct interaction between the instructor and the students, the course design must provide for such interaction.
- (b) If the course does not provide students with the opportunity for continuous audio and visual communication with the instructor during the presentation of the course, the course must utilize testing and remedial processes appropriate to ensure mastery of the subject matter of the course by the students.
- (c) If the course involves self-paced study, the course must be designed so that the time required for a student of average ability to complete the course is within the number of hours for which the course is approved, and the sponsor of the course shall utilize a system which ensures that students have actually performed all tasks designed to ensure participation and mastery of the subject matter of the course by the students.

- (d) The proposed methods of instruction used in the course must be appropriate to the proposed learning objectives of the course, and the scope and depth of the instructional materials must be consistent with the proposed learning objectives.
- (e) The sponsor of the course shall provide appropriate technical support to enable students to complete the course satisfactorily.
- (f) An approved instructor must be reasonably available to respond timely to questions asked by students concerning the subject matter of the course and to direct students to additional sources of information. For the purposes of this paragraph, a response by an approved instructor shall be deemed timely if the response is made within 2 business days after the question is submitted.
- (g) The sponsor of the course shall provide students with an orientation or information package which contains all information that the Division requires to be provided to students and all necessary information about the course, including, without limitation, information concerning fees and refund policies, subject matter and learning objectives, procedures and requirements for satisfactory completion, any special requirements with regard to computer hardware and software or other equipment, and instructor and technical support. The sponsor shall make available to students technical support relating to the use of any computer hardware or software, or other equipment or technology needed to complete the course.
- (h) The sponsor of the course shall utilize procedures which reasonably ensure that a student who receives continuing education credit for completing the course actually performed all the work required to complete the course. If the course involves independent study by students, such procedures must include, without limitation, the opportunity for direct contact by the sponsor with the student at the student's home or business via the telephone or electronic mail and a signed statement by the student certifying that he or she personally completed all course work. The

sponsor shall retain such signed statements and records of student contact together with all other course records the sponsor must maintain.

2. A sponsor seeking approval of a computer-based distance education course must submit a complete copy of the course to the Division in the medium to be used and, if requested, must make available, at a date and time satisfactory to the Division and at the sponsor's expense, all equipment and software necessary to enable the Division to review the course. In the case of an Internet-based course, the sponsor shall provide the Division with access to the course via the Internet at no charge at a date and time satisfactory to the Division.
3. In determining whether to approve a distance education course pursuant to this section, the Division shall consider whether:
  - (a) The course consists of at least ~~[3 hours]~~ *1 hour* of instruction;
  - (b) Students are required to complete a written examination proctored by a person acceptable to the Division or using a secure electronic method acceptable to the Division; and
  - (c) The course is presented by an accredited college or university that offers distance education in other disciplines, or whether the course design and method of delivery has been accredited by an accrediting agency which accredits distance education and which is approved by the Division. For an accrediting agency to be approved by the Division for the purposes of this paragraph, the accrediting agency must use the following considerations when making its determination on whether to accredit a distance education course:
    - (1) The mission statement of the sponsor of the course;
    - (2) The minimum design of the course and the procedures for updating the course;
    - (3) The interactivity of the instruction with the students;
    - (4) Whether the instruction provided in the course teaches mastery of the course material;
    - (5) The support services that are available to students;

- (6) The medium through which the course is delivered to students;
- (7) A time study of the range of instructional hours for which a course should be approved or accredited;
- (8) For each module of instruction, whether there is:
  - (I) At least one learning objective for the module of instruction;
  - (II) A structured learning method to enable the student to achieve each such learning objective;
  - (III) A method of assessment of the student's performance during the module of instruction; and
  - (IV) A method of remediation pursuant to which a student who, based on the assessment of his or her performance, is determined to be deficient in his or her mastery of the course material may repeat the module until the student understands the course material; and
- (9) Whether a complete syllabus or student manual, or both, for all courses or programs is provided in written form and includes accurate and clearly stated information about admissions, progression, completion, criteria, dismissal and any applicable licensing requirements.

**Section 9. NAC 645.4432 Duties of sponsor of approved course; period and renewal of approval of course; review and audit by Division; grounds for withdrawal of or refusal to renew approval of course; disciplinary action against licensee who sponsors approved course. ([NRS 645.190](#), [645.575](#))**

- 1. The sponsor of an approved course:
  - (a) Shall not allow a licensee to pass the course by taking an examination without having the required attendance;

- (b) Shall admit authorized personnel of the Division to audit and evaluate the presentation of the course;
- (c) Shall notify the Division within 15 days after making any material change in the course; and
- (d) Shall not present a course for the main purpose of selling products and shall limit the announcement of products during the course to not more than 1 minute for each credit hour.
- (e) For a course of live instruction, not later than 15 days prior to a scheduled course beginning date, shall notify the Division using a form prescribed by the Division of all scheduled course offerings, including:
  - (1) The name of the course,*
  - (2) The course number assigned by the Division,*
  - (3) The date, time, location of the course,*
  - (4) Instructor for the course, and*
  - (5) Registration information for the course.**
- (f) If there is a change or cancellation within five days of the scheduled course date, then the sponsor shall provide notice to the Division within 24 hours of the change or cancellation.*

2. The Commission's approval of:

- (a) A course to meet the educational requirements for an original license;
- (b) A course for postlicensing education; and
- (c) A course for continuing education,

☞ is effective for 1 year after the original approval or a renewal.

3. The school or sponsor must apply for renewal on a form provided by the Division and describe on that form any changes in the course. An application for renewal must be filed at

least 2 weeks before the previous approval expires. If the school or sponsor does not timely file the application for renewal, the school or sponsor must apply for an original approval.

4. Each approved course and instructor is subject to review and audit by the Division. If the Division conducts such a review or audit, the sponsor shall make available to the Division all records requested which are necessary to the review.
5. The Division shall renew the approval of a course if the information concerning the course has been updated and there is no material change in the content of the course.
6. Each of the following acts and conditions is a ground for the Division to withdraw or refuse to renew its approval of a course:
  - (a) The curriculum or instruction, as shown by evaluations or audits, is of poor quality.
  - (b) The violation of any provision of this chapter relating to continuing education.
  - (c) The course is not taught within the last period for which the course is approved.
  - (d) The sponsor of the course has made a false statement or has presented any false information in connection with an application for the approval of the course, the renewal of such approval or the approval of the sponsor.
  - (e) The sponsor of the course or any official or instructor employed by the sponsor has refused or failed to comply with any provision of this chapter or chapter 645 of NRS.
  - (f) The sponsor of the course or any official or instructor employed by the sponsor has provided false or incorrect information in connection with any report the sponsor is required to submit to the Division.
  - (g) The sponsor of the course has engaged in a pattern of consistently cancelling scheduled courses.

- (h) The sponsor of the course has remitted to the Division in payment for required fees a check which was dishonored by a bank.
  - (i) An instructor employed by the sponsor of an approved course fails to conduct approved courses in a manner that demonstrates possession of the teaching skills described in this chapter.
  - (j) A court of competent jurisdiction has found the sponsor of the approved course or any official or instructor employed by the sponsor to have violated, in connection with the offering of education courses, any applicable federal or state law or regulation:
    - (1) Prohibiting discrimination on the basis of disability;
    - (2) Requiring places of public accommodation to be in compliance with prescribed standards relating to accessibility; or
    - (3) Requiring that courses related to licensing or certification for professional or trade purposes be offered in a place and manner accessible to persons with disabilities.
  - (k) The sponsor of the course or any official or instructor employed by the sponsor has been disciplined by the Commission or any other occupational licensing agency in this State or any other jurisdiction.
  - (l) The sponsor of the course or any official or instructor employed by the sponsor has collected money for an educational course but has refused or failed to provide the promised instruction.
7. A licensee who is the sponsor of an approved course is subject to disciplinary action pursuant to this chapter for any dishonest, fraudulent or improper conduct by the licensee, or an

instructor of the approved course employed by the licensee, in connection with activities related to the approved course.

**Section 10. NAC 645.4434 Approved courses: Withdrawal of approval. ([NRS 645.190, 645.575](#))**

1. If the Administrator determines, whether pursuant to student evaluations, to an audit or investigation conducted by the Division, or otherwise, that an approved course does not meet the standards for such a course set forth in this chapter, the Administrator shall notify the sponsor of the course of his or her intent to withdraw approval of the course. The notice must include the specific reasons upon which the Administrator is basing the decision to withdraw approval of the course. Not later than 30 days after the date on which he or she receives the notice, the sponsor may provide a written response to the Administrator that clearly sets forth the reasons why approval of the course should not be withdrawn and outlining any corrective measures that the sponsor will undertake. After the 30-day period has elapsed *or having received a response from the sponsor*, the Administrator shall review the notice and any response submitted by the sponsor and:

- (a) Withdraw approval of the course;
- (b) Allow the course to remain approved if certain specific enumerated conditions are met; or
- (c) Allow the continued approval of the course.

□ If the Administrator decides to withdraw approval of the course, the withdrawal of approval of the course becomes effective upon the mailing of the Administrator's decision to withdraw approval to the sponsor by certified mail, return receipt requested to the sponsor's last known business address.

2. If the Administrator withdraws approval of a course, the Division shall give credit to a student for completing the course if the student began the course before the sponsor received written notice of the withdrawal of approval of the course.

3. The sponsor may appeal the decision of the Administrator to withdraw approval of a course by filing an appeal with the Commission not later than 30 days after the date on which the withdrawal of the approval of the course becomes effective.

4. If the sponsor files a timely appeal, the Commission will, as soon as practicable, hold a hearing concerning the withdrawal of approval of the course at a regularly scheduled meeting and will:

- (a) Affirm the decision of the Administrator to withdraw approval of the course;

- (b) Suspend approval of the course for a limited period and under such conditions as the Commission deems appropriate; or
- (c) Reverse the decision of the Administrator to withdraw approval of the course.

**Section 11. NAC 645.4438 Approved courses: Award of certificate of completion and inclusion of name on roster of attendees. ([NRS 645.190](#), [645.575](#))**

1. To receive a certificate of completion for an approved course and have his or her name included on the roster of attendees which the sponsor of the course submits to the Division pursuant to paragraph (b) of subsection 4 of [NAC 645.455](#), a student must:

(a) Direct his or her attention to the instruction being provided and refrain from engaging in activities unrelated to the instruction; ~~and~~

(b) Refrain from engaging in activities which are distracting to other students or the instructor, or which otherwise disrupt the orderly conduct of a class, including, without limitation, the use of cellular telephones, laptop computers, tablet computers or other electronic devices *unrelated to the instruction being provided*~~;~~;

*(c) Be present for the entire course. The instructor may allow a student who is arriving no more than 10 minutes late to attend and complete the course for credit at their discretion. A student more than 10 minutes late may be admitted to attend and complete the course at the instructor's discretion, but shall not receive credit; and*

*(d) For a synchronous education course:*

*(1) Use video and always be present on the camera without the use of pictures or icons, except for scheduled breaks predetermined by the course timed outline,*

*(2) Behave appropriately and pay attention as if they were sitting in a classroom,*

*(3) Be present the entire course with the exception of a temporary loss of connection not to exceed 15 concurrent minutes at the discretion of the instructor, and*

*(4) Refrain from driving, riding in a vehicle, answering phone calls, having conversations with individuals not involved in the course, or anything else unrelated to the course.*

2. An instructor:

(a) Shall deny the award of a certificate of completion to a student who fails to satisfy the conditions set forth in subsection 1; and

(b) Shall not include the name of the student on the roster of attendees which the sponsor of the course submits to the Division pursuant to paragraph (b) of subsection 4 of [NAC 645.455](#).

3. If an instructor denies the award of a certificate of completion to a student, the student may, within 30 days after that denial, file a written request with the Administrator to review the matter. If the written request contains allegations which, if true, would qualify the applicant to receive a certificate of completion and credit for completing the course, the Administrator shall set the matter for an informal hearing before him or her to be conducted as soon as practicable.

**Section 12. NAC 645.4442 Courses required for first-time licensees; exempt licensees; standards for courses; effect of noncompliance. ([NRS 645.190](#), [645.343](#), [645.575](#), [645.630](#), [645.633](#))**

1. Except as otherwise provided in subsection 2, each first-time licensee shall take a prescribed course of postlicensing education that focuses on practical applications of real estate transactions. The course:

(a) Must not repeat the content of the course work required to meet the educational requirements for an original license;

(b) Must constitute the education required to be completed by a licensee within the first year immediately after initial licensing pursuant to [NRS 645.575](#);

(c) Must be offered in modules;

(d) Must be provided through live instruction ~~{in which the licensee and the instructor are in the same room, except that first-time licensees who live in a rural area may, with the submission of a prior request on a form prescribed by the Division and the approval of the Division, take the course by a method of delivery of distance education that involves interaction with the instructor and other students if such a method of delivery is available at the time of the request};~~ and

(e) Must provide the Division with proof of completion within the first year immediately after initial licensing.

2. The requirement for postlicensing education set forth in subsection 1 does not apply to a first-time licensee who:

(a) Holds a real estate license issued by another state or territory of the United States, or the District of Columbia, on the date on which the first-time licensee obtains a real estate license issued by the State of Nevada;

(b) Held a license as a real estate broker, real estate broker-salesperson or real estate salesperson issued by the State of Nevada within the 5 years immediately preceding the date on which the first-time licensee obtained a license as a real estate salesperson; or

(c) Is licensed as a real estate broker-salesperson and obtained the qualifications for licensure as a real estate broker-salesperson pursuant to the provisions of subsection 4 of [NRS 645.343](#).

3. The course of postlicensing education may include material that has not previously been approved or allowed for continuing education credit. Courses approved for postlicensing education will not be accepted or approved as a course for continuing education.

4. The curriculum for postlicensing education must contain at least 15 modules that include, without limitation:

(a) Real estate contracts, including the writing and presenting of a purchase agreement and qualifying prospects;

(b) The listing process, market analysis and inspections;

(c) Communication, technology and records management, including time management, goal setting and devising a plan of action;

(d) Buyer representation, including the buyer's brokerage contract, fiduciary duties, disclosures, cooperation between agents and new-home tracts;

(e) Professional conduct, etiquette and ethics;

(f) Advertising, including Regulation Z of the Truth in Lending Act of the Federal Trade Commission issued by the Board of Governors of the Federal Reserve System, 12 C.F.R. Part 226, fair housing, the multiple-listing service, Internet websites and electronic mail;

(g) Proceeds of sale, costs of sale and cost sheets;

(h) Agency relationships;

(i) Land;

(j) Regulatory disclosures, including disclosures required by federal, state and local governments;

(k) Property management, but not the management of common-interest communities;

(l) Escrow, title and closing processes;

(m) Financing;

(n) Negotiation; and

(o) Tax opportunities and liabilities related to the client.

**Section 13. NAC 645.4444 Approval and accreditation of courses; certificate of completion. ([NRS 645.190](#), [645.575](#))**

1. An application for the approval of a course for postlicensing education must be submitted to the Division on a form provided by the Division for review and approval.

2. The Division shall not grant retroactive approval for a course in postlicensing education.

3. The Division shall grant credit for a course for postlicensing education if the course meets the requirements set forth in subsection 4 of [NAC 645.4442](#) and the sponsor of the course:

(a) Certifies the attendance of the licensees who take the course for credit.

(b) Maintains for at least 4 years a record of attendance which contains the following information with respect to each licensee who has taken the course for credit:

(1) The name of the licensee in attendance and the number of his or her license;

(2) The title and number of the course;

(3) The hours of instruction attended and the dates of attendance by the licensee; and

(4) A statement that the licensee has successfully completed the course.

(c) Ensures that ~~an approved~~ *a registered* instructor presides throughout the course.

(d) Requires each licensee who takes the course to:

(1) Take a closed-book final examination with a proctor present at a location designated by the sponsor in its application for approval filed with the Division and to receive a score of at least 75 percent to pass the course;

(2) Prove his or her identity before the licensee is allowed to take any examination; and

(3) Complete the entire course to receive credit for taking the course.

(e) Gives credit for only the number of hours for which the course has been approved by the Division to a licensee who completes the course.

(f) Publishes a policy for retaking an examination which a licensee has failed.

4. If a course for postlicensing education has been approved, the sponsor of the course shall provide a certificate of completion to the licensee upon his or her completion of the course. The certificate must contain:

(a) The name of the sponsor;

(b) The name of the licensee and his or her license number;

(c) The title of the course and the number of hours for which the course has been approved;

(d) The dates of instruction;

- (e) The number assigned to the course by the Division and a statement that the course was approved by the Division;
- (f) The signature of the person who is authorized to sign for the sponsor; and
- (g) A statement indicating that the licensee fulfilled the requirements to pass the course.

**Section 14. NAC 645.448 Specific requirements for renewal of license other than initial license and for reinstatement of license. ([NRS 645.190](#), [645.575](#), [645.630](#), [645.633](#))**

1. Except as otherwise provided in subsection 3 and section 3 of this regulation if a real estate salesperson wishes to renew his or her license or reinstate his or her license pursuant to section 52 of this regulation and the real estate salesperson is required to complete continuing education pursuant to that section, the real estate salesperson must:

(a) Successfully complete at least 36 hours of continuing education, which must include:

- (1) Agency relationships, 3 hours.
- (2) Nevada law, 3 hours.
- (3) Contracts, 6 hours.
- (4) Ethics , 3 hours.
- (5) Risk reduction, 3 hours.

(6) Any designated areas of continuing education approved by the Division for the remaining 18 hours of instruction.

(b) Provide the Division with proof of completion of the continuing education requirements set forth in paragraph (a) before the end of each 2-year license renewal period.

2. Except as otherwise provided in subsection 3 and section 3 of this regulation, if a real estate broker or real estate broker-salesperson wishes to renew his or her license or reinstate his or her license pursuant to section 52 of this regulation and the real estate broker or real estate broker-salesperson is required to complete continuing education pursuant to that section, the real estate broker or real estate broker-salesperson must:

(a) Successfully complete at least 36 hours of continuing education, which must include:

- (1) Agency relationships, 3 hours.
- (2) Nevada law, 3 hours.
- (3) Contracts, 6 hours.
- (4) Ethics, 3 hours.

(5) Broker management, 6 hours.

(6) Risk reduction, 3 hours.

(7) Any designated areas of continuing education approved by the Division for the remaining 12 hours of instruction.

(b) Provide the Division with proof of completion of the continuing education requirements set forth in paragraph (a) before the end of each 2-year license renewal period.

3. The requirements for continuing education set forth in this section do not apply to the renewal of a license upon the expiration of the initial license.

4. At least 50 percent of the total hours of required continuing education set forth in this section must be taken through live instruction ~~[in which the licensee and the instructor are in the same room, except that a licensee who lives in a rural area may, with the submission of a prior request on a form prescribed by the Division and the approval of the Division, complete the required hours of continuing education in courses of distance education if such courses are available].~~

**Section 15. NAC 645.450 Standards for courses. ([NRS 645.190](#), [645.575](#))**

1. A course for continuing education must contain:

(a) Current information on real estate which will improve the professional knowledge of the licensee with regard to the areas described in subsection 2 and enable him or her to give better service to the public.

(b) Information that relates to Nevada laws and regulations relating to real estate transactions in this State.

2. The following areas are acceptable for courses in continuing education:

(a) Ethics of selling real estate;

(b) Legislative issues which concern the practice of real estate or licensees, including, without limitation, recent legislation and revisions to this chapter;

(c) The administration of real estate law and regulations, including licensing and enforcement;

(d) Real estate financing, including mortgages and other financing techniques;

(e) The measurement and evaluation of the market for real estate, including evaluations of sites, market data and studies of feasibility;

(f) The administration of real estate brokerage, including the management of the office, trust accounts and employees' contracts;

(g) Real estate mathematics;

- (h) The management of real property, including residential and commercial leasing agreements, procedures for accounting and contracts for management;
- (i) The exchange of real property;
- (j) Planning and zoning for land use;
- (k) Real estate securities and syndications;
- (l) Accounting and taxation as applied to real property;
- (m) The development of land, including, without limitation, issues relating to the development or redevelopment of farms and ranches;
- (n) Agency and subjects related to agency;
- (o) The use of calculators and other technologies as applied to the practice of real estate;
- (p) The preparation of real estate contracts;
- (q) Personal development courses, including, without limitation, cross-cultural communications;
- (r) International real estate transactions;
- (s) Antitrust law;
- (t) Issues relating to consumer protection;
- (u) Disclosures required during the sale or lease of real property, including, without limitation, information required pursuant to [NRS 116.4103](#), [116.4109](#) and [116B.760](#);
- (v) Commercial real estate;
- (w) Environmental issues, including, without limitation, issues relating to energy and water conservation and environmental responsibility; and
- (x) Risk reduction.

3. The Division may, upon application and on behalf of the Commission, approve a course conducted by any other school, professional society or organization if the Division finds that the course meets the standards established by the Commission for continuing education.

4. The following kinds of courses and activities do not meet the standards for continuing education:

- (a) A course that is designed to prepare students for examination, commonly known as a “cram course.”
- (b) A course that is designed to develop or improve clerical, office or business skills that are not related to the activities described in [NRS 645.030](#), [645.035](#) and [645.040](#), such as typing or keyboarding, shorthand, the operation of business machines, the use of computers, the use of computer software, speed-reading, the improvement of memory, and writing letters and reports.

(c) A meeting for the promotion of sales, a program of office training, or other activity which is held as part of the general business of the licensee.

(d) A course for the orientation of licensees, such as a course offered for that purpose through local real estate boards.

(e) Except as otherwise provided in subsection 3 of section 2 of this regulation a course for the development of instructors.

*(f) A course that contains material(s) substantially identical to a course already approved for continuing education under the same method of instruction. For purposes of this subsection, “substantially identical” means material containing language similar or verbatim from another course already approved for continuing education, excluding prepared forms, third-party publications, sample contracts, and statutory language included in the course content.*

5. The Division, on behalf of the Commission, will not approve more than:

(a) Seven full hours of credit per day of instruction in a ~~[classroom]~~ *live instruction* course for continuing education if a final examination is not given; or

(b) Eight full hours of credit per day of instruction in a ~~[classroom]~~ *live instruction* course for continuing education if a final examination is given.

*6. The Division may publish a prescriptive course manual containing information clarifying the acceptable content areas of education and any procedural requirements relating to education as provided for within this regulatory chapter.*

## **Section 16. *Standards for sponsors seeking approval of new course.***

*1. Any school or sponsor that has submitted a course application for consideration of approval by the Division shall not:*

*a. Advertise the course before receiving formal notification of approval containing the number assigned to the course from the Division.*

*b. Accept payment for a course that has not received formal notification of approval by the Division.*

*c. Select more than one designation in a single application, unless one of the designations is for general credit.*

*2. A violation of subsections a-c of 1 of this section may constitute grounds for denial of the course application by the Administrator as described in NAC 645.4434.*

*3. If the Administrator withdraws approval of a school or sponsor's course may appeal the decision of the Administrator as described in NAC 645.4434.*

**NEW LANGUAGE LCB FILE NO. R060-20 EFFECTIVE DECEMBER 29, 2020  
DIVISION SPONSORED DISTANCE EDUCATION COURSES AND CONTINUING  
EDUCATION CREDIT**

1. The Administrator may designate any course of instruction sponsored by the Division to be delivered to certain areas by means of ~~[distance education in lieu of classroom]~~ *live instruction or distance education*. The Division may issue credit for continuing education pursuant to NAC 645.450 for any course of instruction delivered pursuant to this subsection.

2. Credits for any course of instruction delivered by means of distance education pursuant to subsection 1 may be applied toward classroom credits to meet the requirements of subsection 4 of NAC 645.448 or subsection 5 of section 52 of this regulation.

3. Notwithstanding the provisions of paragraph (e) of subsection 4 of NAC 645.450, the Division shall issue credits for continuing education to attendees of courses for the development of instructors that are sponsored by the Division and are delivered by means of ~~[distance education]~~ *live instruction or distance education* pursuant to subsection 1.

**Section 17. NAC 645.450 Standards for courses. ([NRS 645.190](#), [645.575](#))**

1. A course for continuing education must contain:

- (a) Current information on real estate which will improve the professional knowledge of the licensee with regard to the areas described in subsection 2 and enable him or her to give better service to the public.
- (b) Information that relates to Nevada laws and regulations relating to real estate transactions in this State.

2. The following areas are acceptable for courses in continuing education:

- (a) Ethics of selling real estate;
- (b) Legislative issues which concern the practice of real estate or licensees, including, without limitation, recent legislation and revisions to this chapter;
- (c) The administration of real estate law and regulations, including licensing and enforcement;
- (d) Real estate financing, including mortgages and other financing techniques;
- (e) The measurement and evaluation of the market for real estate, including evaluations of sites, market data and studies of feasibility;
- (f) The administration of real estate brokerage, including the management of the office, trust accounts and employees' contracts;
- (g) Real estate mathematics;
- (h) The management of real property, including residential and commercial leasing agreements, procedures for accounting and contracts for management;
- (i) The exchange of real property;
- (j) Planning and zoning for land use;
- (k) Real estate securities and syndications;
- (l) Accounting and taxation as applied to real property;

- (m) The development of land, including, without limitation, issues relating to the development or redevelopment of farms and ranches;
- (n) Agency and subjects related to agency;
- (o) The use of calculators and other technologies as applied to the practice of real estate;
- (p) The preparation of real estate contracts;
- (q) Personal development courses, including, without limitation, cross-cultural communications;
- (r) International real estate transactions;
- (s) Antitrust law;
- (t) Issues relating to consumer protection;
- (u) Disclosures required during the sale or lease of real property, including, without limitation, information required pursuant to NRS 116.4103, 116.4109 and 116B.760;
- (v) Commercial real estate;
- (w) Environmental issues, including, without limitation, issues relating to energy and water conservation and environmental responsibility; and
- (x) Risk reduction.

3. The Division may, upon application and on behalf of the Commission, approve a course conducted by any other school, professional society or organization if the Division finds that the course meets the standards established by the Commission for continuing education.

4. The following kinds of courses and activities do not meet the standards for continuing education:

- (a) A course that is designed to prepare students for examination, commonly known as a “cram course.”
- (b) A course that is designed to develop or improve clerical, office or business skills that are not related to the activities described in [NRS 645.030](#), [645.035](#) and [645.040](#), such as typing or

keyboarding, shorthand, the operation of business machines, the use of computers, the use of computer software, speed-reading, the improvement of memory, and writing letters and reports.

- (c) A meeting for the promotion of sales, a program of office training, or other activity which is held as part of the general business of the licensee.
- (d) A course for the orientation of licensees, such as a course offered for that purpose through local real estate boards.
- (e) Except as otherwise provided in subsection 3 of section 2 of this regulation, a course for the development of instructors.
- (f) A course that contains material(s) substantially identical to a course already approved for continuing education. For purposes of this subsection, "substantially identical" means material containing language similar or verbatim of another course already approved for continuing education, excluding prepared forms, sample contracts, and statutory language.*

5. The Division, on behalf of the Commission, will not approve more than:

- (a) Seven full hours of credit per day of instruction in a classroom course for continuing education if a final examination is not given; or
- (b) Eight full hours of credit per day of instruction in a classroom course for continuing education if a final examination is given.

[Real Estate Adv. Comm'n, § X subsec. F pars. 5-7, eff. 4-20-78] — (NAC A by Real Estate Comm'n, 8-21-81; 12-16-82; 6-3-86; A by Real Estate Div., 11-30-87; 11-8-88; A by Real Estate Comm'n, 12-27-89; 5-14-96; R146-99, 1-21-2000; R031-04, 11-30-2004; R097-14, 4-4-2016)

**Section 18. NAC 645.455 Approval and accreditation of courses; certificate of completion; appeal of denial of approval of course; hearing. ([NRS 645.190](#), [645.575](#))**

1. An application for the approval of a course for continuing education must be submitted to the Division on a form ~~provided~~ *prescribed* by the Division. *The sponsor must include the following with the course application:*
  - (a) *For a course taught through live instruction, a proposed schedule of dates, times, locations, and the assigned instructor encompassing at least three months from the date of submittal. The sponsor shall provide the Division with any changes to the proposed schedule immediately while the application is pending and within 5 business days of the date of the change if the course is and remains approved.*
2. The Division, on behalf of the Commission, may grant retroactive approval for a course for continuing education.
3. The Division, on behalf of the Commission, will grant credit for a course for continuing education only if:
  - (a) The course consists of at least *1 hour*. ~~[3 hours of distance education or 1 hour of instruction in a classroom.]~~
  - (b) For a course *taught through live* ~~[of]~~ instruction ~~[in a classroom]~~, the sponsor of the course:
    - (1) Certifies the attendance of licensees who take the course for credit.
    - (2) Maintains for at least 4 years a record of attendance which contains the following information with respect to each licensee who has taken the course for credit:
      - (I) The name of the licensee in attendance and the number of his or her license.
      - (II) The title and number of the course.
      - (III) The hours of instruction attended and dates of attendance by the licensee.
      - (IV) A statement that the licensee has successfully completed the course, if applicable.
    - (3) Ensures that an approved instructor presides throughout the course.
  - (c) For a course of distance education *not taught through live instruction*, the sponsor of the course:

(1) Requires each student to:

- (I) Take a closed-book final examination with a proctor present at a location designated by the sponsor in its application for approval filed with the Division and receive a score of at least 75 percent to pass the course;
- (II) Prove his or her identity before the student is allowed to take any examination;
- (III) Complete an entire course to receive credit for taking the course; and
- (IV) Complete each course within an established minimum and maximum time.

(2) Gives credit for only the number of hours for which the course has been approved by the Division to a licensee who has completed the course.

(3) Publishes a policy for retaking an examination which a licensee failed.

(4) Maintains for at least 4 years a record of completion of the course which contains the following information with respect to each licensee who has taken the course for credit:

- (I) The name of the licensee who completes the course and the number of his or her license.
- (II) The title and number of the course.
- (III) A statement that the licensee has successfully completed the course which includes, without limitation, the date that the course was completed and the number of hours completed.

4. If a course is approved, the sponsor shall:

(a) Provide a certificate of completion to the licensee upon his or her completion of the course. The certificate must contain the:

- (1) Name of the sponsor;
- (2) Name of the licensee and his or her license number;
- (3) Number of hours of credit for continuing education for which the course is approved;
- (4) Dates of instruction for a course of instruction in a classroom;

- (5) Date of completion of the course for a course of distance education;
  - (6) Title of the course or seminar;
  - (7) Number of the course assigned by the Division and a statement that the course was approved by the Division on behalf of the Commission;
  - (8) Signature of the person authorized to sign for the sponsor;
  - (9) A statement of whether the licensee successfully completed the course if an examination was given; and
  - (10) Manner in which instruction for the course was delivered.
- (b) Within 3 business days after the completion of an approved course of continuing education, electronically submit to the Division, in a format provided by the Division, a roster which includes the name of each licensee or holder of a permit who successfully completed the course.
  - (c) Correct any errors in a roster that is electronically submitted pursuant to paragraph (b) not later than 5 business days after being notified of the error by the Division.
- 5. If the Division, on behalf of the Commission, denies an application for approval of a course of continuing education, the applicant may appeal the decision of the Division by filing an appeal with the Commission not later than 30 days after the date on which the applicant received notification of the denial of the application for approval of the course.
  - 6. If an applicant files a timely appeal pursuant to subsection 5, the Commission will, as soon as practicable, hold a hearing concerning the denial of the application for approval of the course of continuing education at a regularly scheduled meeting of the Commission and will:
    - (a) Affirm the decision of the Division to deny the application for approval of the course; or
    - (b) Reverse the decision of the Division to deny the application for approval of the course.

[Real Estate Adv. Comm'n, § X subsec. F par. 10, eff. 4-20-78] — (NAC A by Real Estate Comm'n, 8-21-81; 12-16-82; 8-26-83; 12-27-89; 5-14-96; R146-99 & R186-99, 1-21-2000; R092-00, 8-29-2000; R031-04, 11-30-2004; R097-14, 4-4-2016)

**NEW LANGUAGE LCB FILE NO R004-16 EFFECTIVE 2-27-18  
REQUIREMENTS FOR REINSTATEMENT**

1. If an initial license has been placed on inactive status for a period of less than 2 years and the licensee applies for reinstatement:

(a) If the licensee is required to take a course of postlicensing education pursuant to NAC 645.4442, the licensee must provide the Division with proof of successful completion of the course of postlicensing education.

(b) If the licensee is exempt from the requirement for postlicensing education pursuant to subsection 2 of NAC 645.4442, the licensee must provide the Division with proof of successful completion of the 36 hours of continuing education required pursuant to NAC 645.448, as applicable to the license for which the licensee applies for reinstatement.

2. If an initial license has been placed on inactive status for a period of 2 years or more and the licensee applies for reinstatement of the license:

(a) If the licensee is required to take a course of postlicensing education pursuant to NAC 645.4442, the licensee must provide the Division with proof of successful completion of:

(1) The course of postlicensing education; and,

(2) An additional 36 hours of approved of courses continuing education pursuant NAC 645.448, as applicable to the license for which the licensee applies for reinstatement.

(b) If the licensee is exempt from the requirement for postlicensing education pursuant to subsection 2 of NAC 645.4442, the licensee must provide the Division with proof of successful completion of the 36 hours of continuing education required pursuant to s NAC 645.448, as applicable to the license for which the licensee applies for reinstatement.

3. If a license has been placed on inactive status after the renewal of the initial license and the licensee applies for reinstatement of the license, no part of which was during the initial license period, the licensee must provide the Division with proof of successful completion of at least 36 hours of approved courses of continuing education pursuant to NAC 645.448, as applicable to the license for which the licensee applies for reinstatement.

(b) If the license was on inactive status for more than 2 years, no part of which was during

the initial license period, the licensee must provide the Division with proof of successful completion of at least 48 hours of approved courses of continuing education. Not less than 24 or 30, as applicable, of the hours required pursuant to this paragraph must be devoted to ethics, professional conduct or the legal aspects of real estate, including 6 hours in each of the areas set forth in subparagraphs (1) to (4), inclusive, of paragraph (a) of subsection 1 of NAC 645.448 or subparagraphs (1) to (5), inclusive, of paragraph (a) of subsection 2 of NAC 645.448, as applicable to the license for which the licensee applies for reinstatement.

4. Each course of continuing education and course of postlicensing education that is used to meet the requirements of this section must be completed within the 2 years immediately preceding the date of application for reinstatement of the license.

5. At least 50 percent of the total hours of continuing education required by this section must be taken through live instruction ~~[in which the licensee and the instructor are in the same room, except that a licensee who lives in a rural area may, with the submission of a prior request on a form prescribed by the Division and the approval of the Division, take the required hours of continuing education in courses of distance education].~~

**Section 19. NAC 645.695 Administrative fines and other sanctions** ([NRS 645.050](#), [645.190](#), [645.575](#), [645.630](#), [645.633](#), [645.635](#), [645.660](#)).

1. The Administrator may require a licensee to pay an administrative fine in the amount set forth in this subsection for each violation of the following provision:

|                                                                                                                           | For each offense |
|---------------------------------------------------------------------------------------------------------------------------|------------------|
| <a href="#">NRS 645.252</a> .....                                                                                         | \$500            |
| Subsection 4, 5 or 6 of <a href="#">NRS 645.310</a> .....                                                                 | 1,000            |
|                                                                                                                           | 100 per          |
| <a href="#">NRS 645.530</a> .....                                                                                         | license          |
| <a href="#">NRS 645.550</a> .....                                                                                         | 500              |
| <a href="#">NRS 645.560</a> .....                                                                                         | 500              |
| Subsection 1 of <a href="#">NRS 645.570</a> .....                                                                         | 250              |
| Subsection 2 of <a href="#">NRS 645.570</a> .....                                                                         | 500              |
| Subsection 1 of <a href="#">NRS 645.580</a> .....                                                                         | 250              |
| Paragraph (a), (b), (c), <b>(d)</b> , (e), (f), (i), (j), (k) or (l) of subsection 1 of <a href="#">NRS 645.630</a> ..... | 500              |
| Paragraph (g) of subsection 1 of <a href="#">NRS 645.630</a> .....                                                        | 1,000            |
| Paragraph (c), (e), (g), (h), (j), (k) or (l) of subsection 1 of <a href="#">NRS 645.633</a> .....                        | 500              |
| Paragraph (a) or (f) of subsection 1 of <a href="#">NRS 645.633</a> .....                                                 | 250              |

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| Paragraph (i) of subsection 1 of <a href="#">NRS 645.633</a> ..... | 1,000 |
| Subsection 1, 2, 3, 4, 5 or 6 of <a href="#">NRS 645.635</a> ..... | 500   |
| Subsection 7 or 8 of <a href="#">NRS 645.635</a> .....             | 1,000 |
| Subsection 3 of <a href="#">NRS 645.660</a> .....                  | 1,000 |
| <a href="#">NAC 645.4442</a> .....                                 | 250   |
| <a href="#">NAC 645.448</a> .....                                  | 250   |
| <a href="#">NAC 645.455</a> .....                                  | 500   |
| <a href="#">NAC 645.610</a> .....                                  | 500   |
| <a href="#">NAC 645.620</a> .....                                  | 500   |
| <a href="#">NAC 645.627</a> .....                                  | 500   |
| <a href="#">NAC 645.632</a> .....                                  | 500   |
| <a href="#">NAC 645.637</a> .....                                  | 500   |
| <a href="#">NAC 645.640</a> .....                                  | 500   |
| <a href="#">NAC 645.645</a> .....                                  | 500   |
| <a href="#">NAC 645.650</a> .....                                  | 1,000 |
| <a href="#">NAC 645.655</a> .....                                  | 1,000 |
| Subsection 2 of <a href="#">NAC 645.806</a> .....                  | 1,000 |
| Subsection 3 of <a href="#">NAC 645.806</a> .....                  | 250   |
| <a href="#">NAC 645.855</a> .....                                  | 2,000 |

2. In addition to or in lieu of imposing an administrative fine pursuant to subsection 1, the Administrator may:

(a) Recommend to the Commission that the license of the licensee and any permit of the licensee be suspended or revoked;

(b) Require a licensee to complete continuing education; or

(c) Take any combination of the actions set forth in paragraphs (a) and (b).

(Added to NAC by Real Estate Comm’n., eff. 5-14-96; A by R059-98, 7-1-98; R146-99 & R186-99, 1-21-2000; R092-00, 8-29-2000; R111-01, 12-17-2001; R031-04, 11-30-2004; R123-06, 6-1-2006; R093-10, 5-30-2012; R097-14, 4-4-2016)

**REVISER’S NOTE.**

The regulation of the Real Estate Commission filed with the Secretary of State on May 30, 2012 (LCB File No. R093-10), which amended this section, contains the following provisions not included in NAC:

“1. The amendatory provisions of section 1 of this regulation [[NAC 645.4442](#)] apply only to first-time licensees whose licenses expire on or after July 1, 2012.

2. The amendatory provisions of section 3 of this regulation [[NAC 645.448](#)] apply only to licensees whose licenses expire on or after July 1, 2013.

3. The amendatory provisions of section 4 of this regulation [[NAC 645.695](#)] apply only to:

(a) A first-time licensee whose license expires on or after July 1, 2012.

(b) A licensee whose license expires on or after July 1, 2013.”