

Amendment to L678

Strike the original sections and insert the following new sections:

Sec. 1. Section 81-885 to Section 81-885.55 and section 3 of this act shall be known and may be cited as the Nebraska Real Estate License Act.

Sec. 2, Amend Section 81-885.01 to read as follows:

For purposes of the Nebraska Real Estate License Act, unless the context otherwise requires:

(1) Real estate means and includes condominiums and leaseholds, as well as any other interest or estate in land, whether corporeal, incorporeal, freehold, or nonfreehold, and whether the real estate is situated in this state or elsewhere;

(2) Broker means any person who, for any form of compensation or consideration or with the intent or expectation of receiving the same from another, negotiates or attempts to negotiate the listing, sale, purchase, exchange, rent, lease, or option for any real estate or improvements thereon, or assists in procuring prospects or holds himself or herself out as a referral agent for the purpose of securing prospects for the listing, sale, purchase, exchange, renting, leasing, or optioning of any real estate or collects rents or attempts to collect rents, gives a broker's price opinion or comparative market analysis, or holds himself or herself out as engaged in any of the foregoing. Broker also includes any person: (a) Employed, by or on behalf of the owner or owners of lots or other parcels of real estate, for any form of compensation or consideration to sell such real estate or any part thereof in lots or parcels or make other disposition thereof; (b) who auctions, offers, attempts, or agrees to auction real estate; or (c) who buys or offers to buy or sell or otherwise deals in options to buy real estate;

(3) Associate broker means a person who has a broker's license and who is employed by another broker to participate in any activity described in subdivision (2) of this section;

(4) Designated broker means an individual holding a broker's license who has full authority to conduct the real estate activities of a real estate business. In a sole proprietorship, the owner, or broker identified by the owner, shall be the designated broker. In the event the owner identifies the designated broker, the owner shall file a statement with the commission subordinating to the designated broker full authority to conduct the real estate activities of the sole proprietorship. In a partnership, limited liability company, or corporation, the partners, limited liability company members, or board of directors shall identify the designated broker for its real estate business by filing a statement with the commission subordinating to the designated broker full authority to conduct the real estate activities of the partnership, limited liability company, or corporation. The designated broker shall also be responsible for supervising the real estate activities of any associate brokers or salespersons;

(5) Inactive broker means an associate broker whose license has been returned to the commission by the licensee's broker, a broker who has requested the commission to place the license on inactive status, a new licensee who has failed to designate an employing broker or

have the license issued as an individual broker, or a broker whose license has been placed on inactive status under statute, rule, or regulation;

(6) Salesperson means any person, other than an associate broker, who is employed by a broker to participate in any activity described in subdivision (2) of this section;

(7) Inactive salesperson means a salesperson whose license has been returned to the commission by the licensee's broker, a salesperson who has requested the commission to place the license on inactive status, a new licensee who has failed to designate an employing broker, or a salesperson whose license has been placed on inactive status under statute, rule, or regulation;

(8) Person means and includes individuals, corporations, partnerships, and limited liability companies, except that when referring to a person licensed under the act, it means an individual;

(9) Team means two or persons, licensed by the commission who (a) work under the supervision of the same broker, (b) work together on real estate transaction to provide real estate brokerage services, (c) represent themselves to the public as being part of a team, and (d) designate themselves by a team name;

(10) Team leader means mean any person licensed by the commission and appointed or recognized by his or her broker as the leader for his or her team;

(11 9) Subdivision or subdivided land means any real estate offered for sale and which has been registered under the Interstate Land Sales Full Disclosure Act, 82 Stat. 590 and following, 15 U.S.C. 1701 and following, as such act existed on January 1, 1973, or real estate located out of this state which is divided or proposed to be divided into twenty-five or more lots, parcels, or units;

(12 10) Subdivider means any person who causes land to be subdivided into a subdivision for himself, herself, or others or who undertakes to develop a subdivision but does not include a public agency or officer authorized by law to create subdivisions;

(13 11) Purchaser means a person who acquires or attempts to acquire or succeeds to an interest in land;

(14 12) Commission means the State Real Estate Commission;

(15 13) Broker's price opinion means an analysis, opinion, or conclusion prepared by a person licensed under the Nebraska Real Estate License Act in the ordinary course of his or her business relating to the price of specified interests in or aspects of identified real estate or identified real property for the purpose of (a) listing, purchase, or sale, (b) originating, extending, renewing, or modifying a loan in a transaction other than a federally related transaction, or (c) real property tax appeals;

(16 14) Comparative market analysis means an analysis, opinion, or conclusion prepared by a person licensed under the act in the ordinary course of his or her business relating to the price of

specified interests in or aspects of identified real estate or identified real property by comparison to other real property currently or recently in the marketplace for the purpose of (a) listing, purchase, or sale, (b) originating, extending, renewing, or modifying a loan in a transaction other than a federally related transaction, or (c) real property tax appeals;

(17 15) Distance education means courses in which instruction does not take place in a traditional classroom setting, but rather through other media by which instructor and student are separated by distance and sometimes by time;

(18 16) Regulatory jurisdiction means a state, district, or territory of the United States, a province of Canada or a foreign country, or a political subdivision of a foreign country, which has implemented and administers laws regulating the activities of a broker;

(19 17) Federal financial institution regulatory agency means (a) the Board of Governors of the Federal Reserve System, (b) the Federal Deposit Insurance Corporation, (c) the Office of the Comptroller of the Currency, (d) the Office of Thrift Supervision, (e) the National Credit Union Administration, or (f) the successors of any of those agencies; and

(20 18) Federally related transaction means a real-estate-related transaction that (a) requires the services of an appraiser and (b) is engaged in, contracted for, or regulated by a federal financial institution regulatory agency.

Sec. 3 The team leader, under the supervision of his or her broker, shall be responsible for supervising the real estate activities performed under the Nebraska Real Estate License Act of his or her team.

Sec. 4 Amend Section 81-885.24 to read as follows:

Commission; investigative powers; disciplinary powers; civil fine; violations of unfair trade practices.

The commission may, upon its own motion, and shall, upon the sworn complaint in writing of any person, investigate the actions of any broker, associate broker, salesperson, or subdivider, may censure the licensee or certificate holder, revoke or suspend any license or certificate issued under the Nebraska Real Estate License Act, or enter into consent orders, and, alone or in combination with such disciplinary actions, may impose a civil fine on a licensee pursuant to section 81-885.10, whenever the license or certificate has been obtained by false or fraudulent representation or the licensee or certificate holder has been found guilty of any of the following unfair trade practices:

(1) Refusing because of religion, race, color, national origin, ethnic group, sex, familial status, or disability to show, sell, or rent any real estate for sale or rent to prospective purchasers or renters;

(2) Intentionally using advertising which is misleading or inaccurate in any material particular or in any way misrepresents any property, terms, values, policies, or services of the business conducted;

- (3) Failing to account for and remit any money coming into his or her possession belonging to others;
- (4) Commingling the money or other property of his or her principals with his or her own;
- (5) Failing to maintain and deposit in a separate trust account all money received by a broker acting in such capacity, or as escrow agent or the temporary custodian of the funds of others, in a real estate transaction unless all parties having an interest in the funds have agreed otherwise in writing;
- (6) Accepting, giving, or charging any form of undisclosed compensation, consideration, rebate, or direct profit on expenditures made for a principal;
- (7) Representing or attempting to represent a real estate broker, other than the employer, without the express knowledge and consent of the employer;
- (8) Accepting any form of compensation or consideration by an associate broker or salesperson from anyone other than his or her employing broker without the consent of his or her employing broker;
- (9) Acting in the dual capacity of agent and undisclosed principal in any transaction;
- (10) Guaranteeing or authorizing any person to guarantee future profits which may result from the resale of real property;
- (11) Placing a sign on any property offering it for sale or rent without the written consent of the owner or his or her authorized agent;
- (12) Offering real estate for sale or lease without the knowledge and consent of the owner or his or her authorized agent or on terms other than those authorized by the owner or his or her authorized agent;
- (13) Inducing any party to a contract of sale or lease to break such contract for the purpose of substituting, in lieu thereof, a new contract with another principal;
- (14) Negotiating a sale, exchange, listing, or lease of real estate directly with an owner or lessor if he or she knows that such owner has a written outstanding listing contract in connection with such property granting an exclusive agency or an exclusive right to sell to another broker or negotiating directly with an owner to withdraw from or break such a listing contract for the purpose of substituting, in lieu thereof, a new listing contract;
- (15) Discussing or soliciting a discussion of, with an owner of a property which is exclusively listed with another broker, the terms upon which the broker would accept a future listing upon the expiration of the present listing unless the owner initiates the discussion;
- (16) Violating any provision of sections 76-2401 to 76-2430;

(17) Soliciting, selling, or offering for sale real estate by offering free lots or conducting lotteries for the purpose of influencing a purchaser or prospective purchaser of real estate;

(18) Providing any form of compensation or consideration to any person for performing the services of a broker, associate broker, or salesperson who has not first secured his or her license under the Nebraska Real Estate License Act unless such person is (a) a nonresident who is licensed in his or her resident regulatory jurisdiction or (b) a citizen and resident of a foreign country which does not license persons conducting the activities of a broker and such person provides reasonable written evidence to the Nebraska broker that he or she is a resident citizen of that foreign country, is not a resident of this country, and conducts the activities of a broker in that foreign country;

(19) Failing to include a fixed date of expiration in any written listing agreement and failing to leave a copy of the agreement with the principal;

(20) Failing to deliver within a reasonable time a completed and dated copy of any purchase agreement or offer to buy or sell real estate to the purchaser and to the seller;

(21) Failing by a broker to deliver to the seller in every real estate transaction, at the time the transaction is consummated, a complete, detailed closing statement showing all of the receipts and disbursements handled by such broker for the seller, failing to deliver to the buyer a complete statement showing all money received in the transaction from such buyer and how and for what the same was disbursed, and failing to retain true copies of such statements in his or her files;

(22) Making any substantial misrepresentations;

(23) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts;

(24) Failing by an associate broker or salesperson to place, as soon after receipt as practicable, in the custody of his or her employing broker any deposit money or other money or funds entrusted to him or her by any person dealing with him or her as the representative of his or her licensed broker;

(25) Filing a listing contract or any document or instrument purporting to create a lien based on a listing contract for the purpose of casting a cloud upon the title to real estate when no valid claim under the listing contract exists;

(26) Violating any rule or regulation adopted and promulgated by the commission in the interest of the public and consistent with the Nebraska Real Estate License Act;

(27) Failing by a subdivider, after the original certificate has been issued, to comply with all of the requirements of the Nebraska Real Estate License Act;

(28) Conviction of a felony or entering a plea of guilty or nolo contendere to a felony charge by a broker or salesperson;

(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, whether of the same or of a different character as otherwise specified in this section; or

(30) Inducing or attempting to induce a person to transfer an interest in real property, whether or not for monetary gain, or discouraging another person from purchasing real property, by representing that (a) a change has occurred or will or may occur in the composition with respect to religion, race, color, national origin, ethnic group, sex, familial status, or disability of the owners or occupants in the block, neighborhood, or area or (b) such change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area; -

(31) Failing by a team leader to provide a current list of all team members to his or her designated broker;

(32) Failing by a designated broker of maintaining a record of all team leaders and team members working under him or her; or

(33) Utilizing a team name in advertising which does not prominently state the name the broker supervising the team does business under or includes the terms "realty", "real estate", "realtors", "company" or similar terms in the team name the suggesting the team is an independent real estate brokerage entity.

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 678

Introduced by Craighead, 6.

Read first time January 06, 2016

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to
2 amend sections 81-885 and 81-885.07, Reissue Revised Statutes of
3 Nebraska, and section 81-885.01, Revised Statutes Supplement, 2015;
4 to define terms; to provide duties for a team leader as prescribed;
5 to require the adoption and promulgation of rules and regulations;
6 to harmonize provisions; to provide an operative date; and to repeal
7 the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-885, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 81-885 Sections 81-885 to 81-885.55 and section 3 of this act shall
4 be known and may be cited as the Nebraska Real Estate License Act.

5 Sec. 2. Section 81-885.01, Revised Statutes Supplement, 2015, is
6 amended to read:

7 81-885.01 For purposes of the Nebraska Real Estate License Act,
8 unless the context otherwise requires:

9 (1) Real estate means and includes condominiums and leaseholds, as
10 well as any other interest or estate in land, whether corporeal,
11 incorporeal, freehold, or nonfreehold, and whether the real estate is
12 situated in this state or elsewhere;

13 (2) Broker means any person who, for any form of compensation or
14 consideration or with the intent or expectation of receiving the same
15 from another, negotiates or attempts to negotiate the listing, sale,
16 purchase, exchange, rent, lease, or option for any real estate or
17 improvements thereon, or assists in procuring prospects or holds himself
18 or herself out as a referral agent for the purpose of securing prospects
19 for the listing, sale, purchase, exchange, renting, leasing, or optioning
20 of any real estate or collects rents or attempts to collect rents, gives
21 a broker's price opinion or comparative market analysis, or holds himself
22 or herself out as engaged in any of the foregoing. Broker also includes
23 any person: (a) Employed, by or on behalf of the owner or owners of lots
24 or other parcels of real estate, for any form of compensation or
25 consideration to sell such real estate or any part thereof in lots or
26 parcels or make other disposition thereof; (b) who auctions, offers,
27 attempts, or agrees to auction real estate; or (c) who buys or offers to
28 buy or sell or otherwise deals in options to buy real estate;

29 (3) Associate broker means a person who has a broker's license and
30 who is employed by another broker to participate in any activity
31 described in subdivision (2) of this section;

1 (4) Designated broker means an individual holding a broker's license
2 who has full authority to conduct the real estate activities of a real
3 estate business. In a sole proprietorship, the owner, or broker
4 identified by the owner, shall be the designated broker. In the event the
5 owner identifies the designated broker, the owner shall file a statement
6 with the commission subordinating to the designated broker full authority
7 to conduct the real estate activities of the sole proprietorship. In a
8 partnership, limited liability company, or corporation, the partners,
9 limited liability company members, or board of directors shall identify
10 the designated broker for its real estate business by filing a statement
11 with the commission subordinating to the designated broker full authority
12 to conduct the real estate activities of the partnership, limited
13 liability company, or corporation. The designated broker shall also be
14 responsible for supervising the real estate activities of any associate
15 brokers or salespersons;

16 (5) Inactive broker means an associate broker whose license has been
17 returned to the commission by the licensee's broker, a broker who has
18 requested the commission to place the license on inactive status, a new
19 licensee who has failed to designate an employing broker or have the
20 license issued as an individual broker, or a broker whose license has
21 been placed on inactive status under statute, rule, or regulation;

22 (6) Salesperson means any person, other than an associate broker,
23 who is employed by a broker to participate in any activity described in
24 subdivision (2) of this section;

25 (7) Inactive salesperson means a salesperson whose license has been
26 returned to the commission by the licensee's broker, a salesperson who
27 has requested the commission to place the license on inactive status, a
28 new licensee who has failed to designate an employing broker, or a
29 salesperson whose license has been placed on inactive status under
30 statute, rule, or regulation;

31 (8) Person means and includes individuals, corporations,

1 partnerships, and limited liability companies, except that when referring
2 to a person licensed under the act, it means an individual;

3 (9) Team means two or more persons licensed by the commission who
4 (a) work under the supervision of a designated broker, (b) work together
5 on real estate transactions to provide real estate brokerage services,
6 (c) represent themselves to the public as being part of a team, and (d)
7 are designated by a team name;

8 (10) Team leader means any person licensed by the commission and
9 appointed or recognized by his or her designated broker as the leader for
10 his or her team;

11 (11 9) Subdivision or subdivided land means any real estate offered
12 for sale and which has been registered under the Interstate Land Sales
13 Full Disclosure Act, ~~82 Stat. 590 and following,~~ 15 U.S.C. 1701 et seq.
14 and following, as such act existed on January 1, 1973, or real estate
15 located out of this state which is divided or proposed to be divided into
16 twenty-five or more lots, parcels, or units;

17 (12 10) Subdivider means any person who causes land to be subdivided
18 into a subdivision for himself, herself, or others or who undertakes to
19 develop a subdivision but does not include a public agency or officer
20 authorized by law to create subdivisions;

21 (13 11) Purchaser means a person who acquires or attempts to acquire
22 or succeeds to an interest in land;

23 (14 12) Commission means the State Real Estate Commission;

24 (15 13) Broker's price opinion means an analysis, opinion, or
25 conclusion prepared by a person licensed under the Nebraska Real Estate
26 License Act in the ordinary course of his or her business relating to the
27 price of specified interests in or aspects of identified real estate or
28 identified real property for the purpose of (a) listing, purchase, or
29 sale, (b) originating, extending, renewing, or modifying a loan in a
30 transaction other than a federally related transaction, or (c) real
31 property tax appeals;

1 (16 14) Comparative market analysis means an analysis, opinion, or
2 conclusion prepared by a person licensed under the act in the ordinary
3 course of his or her business relating to the price of specified
4 interests in or aspects of identified real estate or identified real
5 property by comparison to other real property currently or recently in
6 the marketplace for the purpose of (a) listing, purchase, or sale, (b)
7 originating, extending, renewing, or modifying a loan in a transaction
8 other than a federally related transaction, or (c) real property tax
9 appeals;

10 (17 15) Distance education means courses in which instruction does
11 not take place in a traditional classroom setting, but rather through
12 other media by which instructor and student are separated by distance and
13 sometimes by time;

14 (18 16) Regulatory jurisdiction means a state, district, or
15 territory of the United States, a province of Canada or a foreign
16 country, or a political subdivision of a foreign country, which has
17 implemented and administers laws regulating the activities of a broker;

18 (19 17) Federal financial institution regulatory agency means (a)
19 the Board of Governors of the Federal Reserve System, (b) the Federal
20 Deposit Insurance Corporation, (c) the Office of the Comptroller of the
21 Currency, (d) the Office of Thrift Supervision, (e) the National Credit
22 Union Administration, or (f) the successors of any of those agencies; and

23 (20 18) Federally related transaction means a real-estate-related
24 transaction that (a) requires the services of an appraiser and (b) is
25 engaged in, contracted for, or regulated by a federal financial
26 institution regulatory agency.

27 Sec. 3. The team leader, under the supervision of his or her
28 designated broker, shall be responsible for supervising the real estate
29 activities of his or her team.

30 Sec. 4. Section 81-885.07, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 81-885.07 (1) There is hereby created the State Real Estate
2 Commission which shall consist of the Secretary of State, who shall be
3 chairperson of the commission, and six members appointed by the Governor.
4 Three of the members of the commission appointed by the Governor shall be
5 active and licensed real estate brokers who have engaged in the real
6 estate business as brokers or associate brokers for not less than five
7 years, which members shall be appointed by the Governor, one from each of
8 the three congressional districts as the districts were constituted on
9 January 1, 2006. The remaining members shall be appointed at large, one
10 of whom shall be representative of the public, one of whom shall be a
11 licensed real estate salesperson who has engaged in the real estate
12 business as a salesperson for not less than three years, and one of whom
13 shall be an active and licensed real estate broker who has engaged in the
14 real estate business as a broker or associate broker for not less than
15 five years. The member representing the former congressional district 1
16 on July 14, 2006, shall represent congressional district 1 for the
17 balance of his or her term. The member representing the former
18 congressional district 2 on July 14, 2006, shall represent congressional
19 district 2 for the balance of his or her term. The member representing
20 the former congressional district 3 on July 14, 2006, shall become an at-
21 large member for the balance of his or her term. The member representing
22 the former congressional district 4 on July 14, 2006, shall represent
23 congressional district 3 for the balance of his or her term.

24 (2) At the expiration of the term of any member of the commission,
25 the Governor shall appoint a successor for a term of six years. Any
26 appointed member shall be limited to one six-year term, in addition to
27 any partial term served. In the event of a vacancy on the commission, the
28 Governor shall fill such vacancy by appointing a member to serve during
29 the unexpired term of the member whose office has become vacant. In the
30 absence of the chairperson, the senior member of the commission in point
31 of service present shall serve as presiding officer. Not less than four

1 members of the commission must be present at any official meeting of the
2 commission. The action of the majority of the members of the commission
3 shall be deemed the action of the commission. No appointed person may act
4 as a member of the commission while holding any other elective or
5 appointive state or federal office.

6 (3) Each member of the commission shall receive as compensation for
7 each day actually spent on official duties at scheduled meetings the sum
8 of one hundred dollars and actual and necessary expenses incurred in the
9 performance of his or her official duties.

10 (4) The commission shall employ a director who shall keep a record
11 of all the proceedings, transactions, communications, and official acts
12 of the commission, be custodian of all the records of the commission, and
13 perform such other duties as the commission may require. The director
14 shall call a meeting of the commission at his or her discretion or upon
15 the direction of the chairperson or upon a written request of two or more
16 members of the commission. The commission may employ such other employees
17 as may be necessary to properly carry out the Nebraska Real Estate
18 License Act, fix the salaries of such employees, and make such other
19 expenditures as are necessary to properly carry out the act. The office
20 of the commission shall be maintained in Lincoln and all files, records,
21 and property of the commission shall remain in such office. Neither the
22 director nor any employee of the commission may be an officer or paid
23 employee of any real estate association or group of real estate dealers
24 or brokers.

25 (5) The commission shall ~~may~~ adopt and promulgate rules and
26 regulations to carry out the Nebraska Real Estate License Act ~~relating to~~
27 ~~the administration of but not inconsistent with the act.~~

28 (6) The commission may conduct or assist in conducting real estate
29 institutes and seminars and incur and pay the necessary expenses in
30 connection therewith, which institutes or seminars shall be open to all
31 licensees.

1 (7) The commission may charge reasonable fees for services it
2 renders, not to exceed the actual costs thereof, except as otherwise
3 provided in the act. The fees established by the commission pursuant to
4 the act shall be established at the level necessary to meet expenditures
5 of the commission as approved by the Legislature and to provide a
6 sufficient cash fund balance.

7 Sec. 5. This act becomes operative on October 1, 2016.

8 Sec. 6. Original sections 81-885 and 81-885.07, Reissue Revised
9 Statutes of Nebraska, and section 81-885.01, Revised Statutes Supplement,
10 2015, are repealed.



Nebraska REALTORS® Association

The Voice for Real Estate in Nebraska

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Vision: The Nebraska REALTORS® Association is the leading voice for real estate in Nebraska, providing a professional environment for all its members.

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January 29, 2016

Secretary of State John Gale
Chairperson Nebraska Real Estate Commission
301 Centennial Mall South
Lincoln, NE 68509

Dear Secretary Gale,

On Wednesday, January 27th, our Board of Directors met and a motion was carried to support the enclosed proposal for rules and regulations on REALTOR® Teams. This foundation was accomplished by a joint task force between the Nebraska REALTORS® Association and the Nebraska Real Estate Commission. Formed in June 2015, the joint task force consists of NREC Commissioners, large and smaller-sized brokers, and leaders of large and small REALTOR® teams. It is a well-diversified group and we are thankful for all of their efforts and conclusions.

There is pending legislation, in LB 678, which adds the definition of Teams and Team Leaders into statute. The Chair of our Joint Task Force of Teams, Arla Meyer, recently testified in support of LB 678 on Monday, January 25th.

We are requesting that the Nebraska Real Estate Commission consider this proposal on Teams to become rules and regulations. Should LB 678 pass and likely become law by October 2016, these proposed rules and regulations lay a strong foundation for Teams, Brokers, and the NREC in Nebraska.

We appreciate the Commission's consideration on this request.

Sincerely,

Kent Thompson
2016 President, Nebraska REALTORS® Association

REALTOR® is a registered collective membership mark which may be used only by real estate professionals who are members of the NATIONAL ASSOCIATION OF REALTORS® and subscribe to its strict Code of Ethics.



EQUAL HOUSING
OPPORTUNITY



Nebraska REALTORS® Association's

Recommendations for Proposed Rules and Regulations on Teams

- I. Definition of Team or Group: A team or group consists of two or more real estate licensees who work together on any given real estate transaction to provide real estate brokerage services, represent themselves to the public as being part of one team or group; and designate themselves by a team or group name.
- II. Each team or group shall designate a leader who shall be a real estate licensee. The team or group leader shall be responsible for supervising the licensees on his/her team (see Title 299 Chapter 5, 003.19). In the event that a team or group leader's license is suspended or revoked, unless dissolved, the team or group must designate a new leader. If a team or group member for whom the team or group is named leaves the team or group, such team or group may designate a new name for the team or group.
- III. The team or group leader is responsible for maintaining a current list of all members and employees of the team or group, and for reporting who is currently on the team or group, including any revisions to the team or group, to the designated broker for which the team or group works. The team or group leader is also responsible for all communications, and the structural, regulatory, and advertising guidelines of a team or group. Teams or groups may have their own independent service location per an agreement with their broker. The broker is responsible for maintaining copies of these lists and making them available upon request to the NREC. (Brokers must retain all team and group lists for 5 years)
- IV. No team may imply that the team is a separate entity from the brokerage firm of its employment. Team names may not include the terms "realty," "real estate", "realtors", "company" or similar terms suggesting a brokerage.
- V. Each member of a team or group including the leader shall adhere to all laws, rules and regulations applicable to real estate licensees in Nebraska. Each team or group including the leader shall be under the supervision of the designated broker for the company under which the team or group works. Thus, each team or group member shall adhere to all office rules, practices, and procedures established by the designated broker for the company under which the team or group works.
- VI. The rules regarding teams or groups shall be for the benefit of the public and apply to all real estate activities of the type set forth in Section 81-885.01(2) or advertising with regard thereto.
- VII. Each individual member of a team or group when acting as a member of a team or group shall include the team or group name in conjunction with their own. i.e. Bob Johnson of The Smith Team or Group at ABC Brokerage.
- VIII. Teams or groups must use 'team' or 'group' when advertising as a team or group. The team or group, and any and all team or group member(s), must display and promote that they are directly connected to the broker under which the team or group works. All team or group advertising shall be close in proximity to the broker under which the team or group works. The broker under whom the team or group works is to be displayed prominently and visibly in a meaningful and conspicuous way on all methods of advertising. Example: Bob Johnson of The Smith Team at ABC Broker. This representation shall be upon each separately reachable public presentation. Example: each separate page of a web site shall show the designation to the broker under which the team or group works.
- IX. The team or group member is responsible to register their applicable compensation structure with their team or group leader. The team or group leader is responsible to register their applicable compensation structure with the designated broker.
- X. The team or group leader is to complete a 3-hour CE course on teams and groups or on team or group leadership within 180 days of joining the team or group, which said education shall be counted towards the required 18-hours of continuing education.
- XI. All other team or group members are also to complete a 3-hour CE course on teams and groups or on team or group leadership within 180 days of joining the team or group, which said education shall be counted towards the required 18-hours continuing education.