

**20:69:04:08. Qualifications for classroom instructor.** An applicant seeking commission approval to teach prelicensing education must furnish evidence satisfactory to the commission that the applicant has at least one of the following qualifications:

- (1) A bachelor's degree in the field in which the person is to teach;
- (2) A valid teaching certificate or credential from South Dakota or another state authorizing the holder to teach in the field of instruction being offered;
- (3) Five years of full-time experience in a professional trade or technical occupation in the applicable field; or
- (4) Any combination of at least five years of full-time applicable field experience and college level education.

In addition to meeting at least one of the qualifications in subdivisions (1) to (4), inclusive, an instructor seeking approval to provide instruction of the broker associate prelicensing course, broker associate upgrade course, or responsible broker course shall complete the responsible broker course prior to approval ~~and complete an approved instructor development workshop within one year of approval.~~

**Source:** SL 1975, ch 16, § 1; 7 SDR 31, effective October 6, 1980; 10 SDR 54, effective December 5, 1983; 12 SDR 102, effective December 22, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:56:04:03, 20 SDR 18, effective August 16, 1993; 28 SDR 28, effective September 2, 2001; 30 SDR 40, effective September 30, 2003; 35 SDR 305, effective July 1, 2009.

**General Authority:** SDCL 36-21A-89(4).

**Law Implemented:** SDCL 36-21A-30.1, 36-21A-31.

**20:69:04:14. Classroom hour.** A classroom hour is a period of at least 50 minutes of actual classroom instruction out of each 60-minute segment. Additional study assignments are not counted as hours of classroom instruction.

**Source:** 2 SDR 7, effective July 30, 1975; 12 SDR 102, effective December 22, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:56:04:13, 20 SDR 18, effective August 16, 1993; 28 SDR 28, effective September 2, 2001.

**General Authority:** SDCL 36-21A-30.1, 36-21A-31, 36-21A-34.

**Law Implemented:** SDCL 36-21A-30.1, 36-21A-31, 36-21A-34.

**20:69:04:28. Student certification required.** Any school offering an approved distance education or independent study course must obtain from each student a ~~certification statement~~ substantially as follows: "I certify that I have personally completed each assigned module of instruction for this course without the assistance of any person other than my instructor and that all work represented as being mine is in fact my own work." statement attesting that all assignments and examinations completed are the work of the enrolled student.

**Source:** 28 SDR 28, effective September 2, 2001.

**General Authority:** SDCL 36-21A-89(4).

**Law Implemented:** SDCL 36-21A-89(4).

## CHAPTER 20:69:11

### POSTLICENSING AND CONTINUING EDUCATION

## Section

20:69:11:01	Continuing education defined.
20:69:11:01.01	Distance education defined.
20:69:11:01.02	Independent study defined.
20:69:11:01.03	Interactive defined.
20:69:11:01.04	Standards for distance education.
<u>20:69:11:01.05</u>	<u>Required continuing education subject areas.</u>
<u>20:69:11:01.06</u>	<u>Elective continuing education subject areas.</u>
20:69:11:02	Continuing education <del>required courses</del> <u>requirements.</u>
20:69:11:02.01	Postlicensing education defined.
20:69:11:02.02	Postlicensing education course requirements -- Time to complete.
20:69:11:03	Classroom hour.
20:69:11:03.01	Length of course.
20:69:11:04	Requirements -- Exceptions.
20:69:11:05	Exceptions and extensions.
20:69:11:06	Nonqualifying courses.
20:69:11:07	Criteria for postlicensing or continuing education course approval.
20:69:11:07.01	Criteria for distance education or independent study course approval.
20:69:11:08	Application for approval of classroom instruction -- Fee required.
20:69:11:08.01	Application for approval of distance education or independent study courses -- Fee required.
20:69:11:08.02	Additional requirements for distance education courses.
20:69:11:08.03	Student certification required.

20:69:11:08.04	Classroom, distance education, and independent study course application fees -- Postlicensing course as continuing education course subject to application fee.
20:69:11:09	Approval of out-of-state courses.
20:69:11:10	ARELLO certified courses approved for postlicensing or continuing education.
20:69:11:11	Certificate of approval.
20:69:11:11.01	Course accreditation renewal.
20:69:11:11.02	Course accreditation reinstatement.
20:69:11:12	Material change.
20:69:11:13	Denial of approval for a course or instructor.
20:69:11:13.01	Withdrawal of approval for a course or instructor.
20:69:11:14	Same or duplicate courses.
20:69:11:15 and 20:69:11:16	Repealed.
20:69:11:17	Facilities.
20:69:11:17.01	Schedule.
20:69:11:18	Auditing.
20:69:11:19	Postlicensing or continuing education certificate of attendance.
20:69:11:19.01	Course provider reporting requirements -- Course evaluation.
20:69:11:20	Preregistration allowed -- Notice of cancellation required.
20:69:11:21	Limit on independent study courses.
20:69:11:22	Instructors.
20:69:11:23	Application for approval of instructors -- Guest speakers exempt.
20:69:11:24	Utilization of guest speakers -- Résumé to accompany course application.

20:69:11:25

Certificate of instructor approval -- Approval certificates not issued to guest speakers.

**20:69:11:01. Continuing education defined.** As used in this chapter, continuing education means accredited educational experience derived from a licensee's participation in approved lectures, seminars, or courses on real estate law, or in other related areas in real estate that have been approved by the commission, to maintain and improve the professional skills and upgrade the standard of all real estate licensees.

~~The commission considers courses in the following areas to be acceptable when considering approval:~~

- ~~(1) — Real estate ethics;~~
- ~~(2) — Legislative issues that influence real estate practice including both pending and recent legislation;~~
- ~~(3) — The administration of licensing provisions of real estate law and the administrative rules;~~
- ~~(4) — Real estate financing;~~
- ~~(5) — Real estate market measurement and evaluation, including site evaluations, market data, and feasibility studies;~~
- ~~(6) — Real estate brokerage;~~
- ~~(7) — Real estate mathematics;~~
- ~~(8) — Real property management;~~
- ~~(9) — Real property exchange;~~
- ~~(10) — Land use planning and zoning;~~
- ~~(11) — Real estate securities and syndication;~~

- ~~(12) — Estate building and portfolio management;~~
- ~~(13) — Accounting and taxation as applied to real property;~~
- ~~(14) — Land development;~~
- ~~(15) — Real estate appraising;~~
- ~~(16) — Real estate marketing procedures;~~
  
- ~~(17) — The use of calculators or computers as applied to the practice of real estate;~~
  
- ~~(18) — Basic computer skills;~~
- ~~(19) — Fair housing;~~
- ~~(20) — Environmental issues;~~
- ~~(21) — Antitrust;~~
- ~~(22) — Home inspection; and~~
- ~~(23) — The Americans with Disabilities Act.~~

**Source:** 5 SDR 12, effective August 21, 1978; 10 SDR 54, effective December 5, 1983; 12 SDR 102, effective December 22, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:56:19:01, 20 SDR 18, effective August 16, 1993; 23 SDR 110, effective January 9, 1997; 28 SDR 28, effective September 2, 2001.

**General Authority:** SDCL 36-21A-63, 36-21A-89(9).

**Law Implemented:** SDCL 36-21A-62, 36-21A-63.

**20:69:11:01.05. Required continuing education subject areas.** Required continuing education subject areas may only be in the following subject areas:

- (1) Real estate ethics;

- (2) Legislative issues that influence real estate practice including both pending and recent legislation;
- (3) The administration of licensing provisions of real estate law and the administrative rules;
- (4) Real estate brokerage, including agency, contracts, trust accounting, fiduciary duties, and risk management;
- (5) Fair Housing;
- (6) Environmental issues;
- (7) Antitrust; and
- (8) The Americans with Disabilities Act.

**Source:**

**General Authority:** SDCL 36-21A-63, 36-21A-89(9).

**Law Implemented:** SDCL 36-21A-62, 36-21A-63.

**20:69:11:01.06. Elective continuing education subject areas.** Elective continuing education subject areas may only be in the following subject areas:

- (1) Real estate finance;
- (2) Real estate market measurement and evaluation, including site, evaluations, market data, and feasibility studies;
- (3) Real estate mathematics;
- (4) Real property management;
- (5) Real property exchange;
- (6) Land development, use, planning, and zoning;

- (7) Real estate securities and syndication;
- (8) Real estate portfolio management;
- (9) Accounting and taxation as applied to real property;
- (10) Real estate business planning;
- (11) Real estate appraisal;
- (12) Real estate marketing procedures;
- (13) Technology as applied to the practice of real estate;
- (14) Home inspection; and
- (15) Real estate negotiation.

**Source:**

**General Authority:** SDCL 36-21A-63, 36-21A-89(9).

**Law Implemented:** SDCL 36-21A-62, 36-21A-63.

**20:69:11:02. Continuing education ~~required courses~~ requirements.** ~~Twelve of the required 24 hours of continuing education must include study in real estate contracts, real estate license law, fair housing, ethics, environmental issues, antitrust, the Americans with Disabilities Act, brokerage services, or any combination of these subjects~~ A licensee shall complete 24 hours of continuing education in the subject areas prescribed in §§ 20:69:11:01.05 and 20:69:11:01.06. At least 12 of the 24 hours must be in the required subject areas as described in § 20:69:11:01.05.

**Source:** 18 SDR 101, effective December 17, 1991; transferred from § 20:56:19:02.01, 20 SDR 18, effective August 16, 1993; 24 SDR 172, effective June 16, 1998; 26 SDR 41,

adopted September 29, 1999, effective January 1, 2000; 28 SDR 28, effective September 2, 2001.

**General Authority:** SDCL 36-21A-63, 36-21A-89(9).

**Law Implemented:** SDCL 36-21A-62, 36-21A-63.

**20:69:11:02.01. Postlicensing education defined.** As used in this chapter, postlicensing education means ~~accredited education derived from a licensee's participation in approved lectures, seminars, or courses in~~ the curriculum of continuing education that a broker associate is required to complete within the first two active license cycles after initial licensure. The subject areas are prescribed by the commission, ~~that and builds~~ and build on the basic real estate principles and practices acquired during the prelicensing education courses.

**Source:** 35 SDR 305, effective July 1, 2009.

**General Authority:** SDCL 36-21A-30.2.

**Law Implemented:** SDCL 36-21A-30.2.

**20:69:11:02.02. Postlicensing education course requirements –Time to complete.** The ~~postlicensing education required of a broker associate shall include a minimum of six hours in~~ each of the following areas:

- (1) ~~Agency;~~
- (2) ~~Contracts;~~
- (3) ~~Fiduciary duties/trust accounting/earnest money;~~
- (4) ~~Negotiation;~~
- (5) ~~Business planning/etiquette;~~

- ~~(6) — Real estate license law;~~
- ~~(7) — Technology;~~
- ~~(8) Marketing/advertising;~~
- ~~(9) — Ethics/professional liability; and~~
- ~~(10) — Property issues — Inspections, disclosures, environmental.~~

~~Beginning with the third licensing period, broker associates must comply with the continuing education requirements pursuant to SDCL 36-21A-62~~

All sixty hours of postlicensing education must include study in the required continuing education subject areas as described in § 20:69:11:01.05. Any hours a licensee has completed in the subject areas of negotiation, business planning, technology, or marketing before July 1, 2015, count towards the licensee's postlicensing education requirement.

Upon completion of the postlicensing education requirements, broker associates must comply with the continuing education requirements pursuant to SDCL 36-21A-62 and § 20:69:11:02 for all subsequent renewal cycles.

**Source:** 35 SDR 305, effective July 1, 2009.

**General Authority:** SDCL 36-21A-30.2.

**Law Implemented:** SDCL 36-21A-30.2.

**20:69:11:03. Classroom hour.** A classroom hour is a period of at least 50 minutes of actual classroom instruction out of each 60-minute segment. Additional study assignments are not counted as hours of classroom instruction.

**Source:** 5 SDR 12, effective August 21, 1978; 10 SDR 54, effective December 5, 1983; 12 SDR 102, effective December 22, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:56:19:03, 20 SDR 18, effective August 16, 1993; 28 SDR 28, effective September 2, 2001.

**General Authority:** SDCL 36-21A-89(9).

**Law Implemented:** SDCL 36-21A-62, 36-21A-63.

**20:69:11:04. Requirements – Exceptions.** A licensee who has been licensed by the commission for one year or more preceding the date by which continuing or postlicensing education requirements must be completed must meet the continuing or postlicensing education requirements. ~~A An inactive licensee whose license is on file in the commission's office on inactive status~~ is not required to meet the requirements. ~~A An inactive licensee on inactive status~~ who wishes to activate the individual's license must complete 24 hours of continuing education within the licensee's current licensing period or within two years preceding the licensee's current licensing period. A licensee whose license is placed on inactive status during either of the first two license cycles after initial licensure must complete the postlicensing education required during that cycle to activate the license. ~~The 24 hours of continuing education~~ Courses taken to activate a license may not be used ~~for both activating a license and renewing~~ to renew a license. A nonresident licensee licensed in this state is not required to meet this requirement. However, a nonresident licensee whose license in this state is on inactive status shall submit, prior to activating that license, a certificate of licensure from the licensing agency of the state where the nonresident licensee maintains residency, stating the nonresident's license is on active status and in good standing and that no complaint is pending.

**Source:** 5 SDR 12, effective August 21, 1978; 10 SDR 54, effective December 5, 1983; 12 SDR 102, effective December 22, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; transferred from § 20:56:19:04, 20 SDR 18, effective August 16, 1993; 35 SDR 305, effective July 1, 2009; 37 SDR 112, effective December 8, 2010.

**General Authority:** SDCL 36-21A-89(3).

**Law Implemented:** SDCL 36-21A-65.

**20:69:11:06. Nonqualifying courses.** The following courses do not qualify for postlicensing or continuing education purposes:

- (1) Courses in mechanical office and business skills, such as typing, keyboarding, speed-reading, memory improvement, language, and report writing;
- (2) Sales promotion or other meetings held in conjunction with a licensee's general business;
- (3) A course certified by the use of a challenge examination. All students must complete the required number of classroom hours to receive certification;
- (4) Meetings which are a normal part of the in-house staff or employee training;
- (5) Orientation courses for licensees, such as those offered through local real estate boards;
- (6) Development courses for instructors; ~~and~~
- (7) Personal development or motivational courses; and
- (8) Courses designed to promote the sale of a product or service.

**Source:** 5 SDR 12, effective August 21, 1978; 10 SDR 54, effective December 5, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 15 SDR 100, effective January 10, 1989; 18

SDR 101, effective December 17, 1991; transferred from § 20:56:19:06, 20 SDR 18, effective August 16, 1993; 23 SDR 110, effective January 9, 1997; 28 SDR 28, effective September 2, 2001; 35 SDR 305, effective July 1, 2009.

**General Authority:** SDCL 36-21A-30.2, 36-21A-63.

**Law Implemented:** SDCL 36-21A-30.2, 36-21A-63.

**20:69:11:08. Application for approval of classroom instruction – Fee required.** An application for approval of classroom instruction shall be on a form provided by the commission. The application must be filed with the commission at least ~~30~~ 20 days before a course is offered and must be accompanied by an application fee pursuant to § 20:69:11:08.04. The application form shall include the following information and enclosures:

- (1) Name, address, and telephone number of the course provider;
- (2) The title of the course;
- (3) A complete description or copies of all materials to be distributed to the participants;
- (4) The date and exact location of each presentation of the course;
- (5) The duration and time of course;
- (6) A comprehensive, detailed outline of the subject matter together with course objectives, the time sequence of each segment, faculty for each segment, and teaching technique used in each segment;
- (7) The method of evaluation of the program;
- (8) The procedure for measuring attendance; and

- (9) A description of the faculty, including name, professional educational background, and practical or teaching experience. A complete résumé shall be furnished.

**Source:** 5 SDR 12, effective August 21, 1978; 10 SDR 54, effective December 5, 1983; 12 SDR 102, effective December 22, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 15 SDR 100, effective January 10, 1989; transferred from § 20:56:19:08, 20 SDR 18, effective August 16, 1993; 25 SDR 90, effective December 28, 1998; 28 SDR 28, effective September 2, 2001.

**General Authority:** SDCL 36-21A-63.

**Law Implemented:** SDCL 36-21A-63.

**20:69:11:08.03. Student certification required.** Any school offering an approved distance education or independent study course must obtain from each student a ~~certification statement~~ substantially as follows: ~~“I certify that I have personally completed each assigned module of instruction for this course without the assistance of any person other than my instructor and that all work represented as being mine is in fact my own work.”~~ statement attesting that all assignments and examinations completed are the work of the enrolled student.

**Source:** 25 SDR 90, effective December 28, 1998; 28 SDR 28, effective September 2, 2001.

**General Authority:** SDCL 36-21A-63.

**Law Implemented:** SDCL 36-21A-63.