

Existing	Proposed
	NOTE: non-substantive changes, such as chapter or section citations, are omitted for brevity sake.
§16-99-3.1 Disclosure of agency. (a) As used in this section:	§16-99.1-4 Disclosure of agency. (a) As used in this section: <u>“Dual agency” means a representation in which the real estate licensee acts as an agent for more than one buyer or seller in the same transaction, or both the buyer and seller in the same transaction.</u>
§16-99-5 Notification and filing of names, addresses, and changes.	§16 99.1-6 Notification and filing of names, addresses, and changes. <u>(5) In the case of a partnership, corporation, limited liability company, or sole proprietorship, any changes to team names registered with the commission pursuant with 16-99.1-16</u>
<p>§16-99-11 Advertisement. (a) All real estate advertising and promotional materials shall include the legal name of the brokerage firm or a trade name previously registered by the brokerage firm with the business registration division and with the commission. For advertising and promotional purposes only, a brokerage firm may:</p> <p>(1) Abbreviate "Incorporated," "Corporation," "Limited," "General Partnership," "Limited Partnership," "Limited Liability Company," or "Limited Liability Partnership" from the licensed name; and</p> <p>(2) Use "dba" in conjunction with the licensed name and a trade name.</p> <p>(b) No licensee shall advertise "For Sale by Owner," "For Rent by Owner," "For Lease by Owner," or "For Exchange by Owner."</p> <p>(c) Current individual real estate licensees, whether active or inactive, shall disclose the licensee's status as a real estate licensee in all advertising and promotional material.</p> <p>(d) A leasehold property advertised for sale in any medium shall be identified by the word "leasehold."</p> <p>(e) All advertising and promotional materials that refer to the individual licensee's name, including but not limited to business cards, shall:</p> <p>(1) Include the licensee's legal name, name as licensed by the commission, or sole proprietor's trade name as licensed by the commission;</p> <p>(2) Identify the licensee with the licensee's associating or</p>	<p>§16 99.1-15 Advertisement. (a) All real estate advertising and promotional materials, <u>including solicitation materials</u>, shall <u>prominently and conspicuously</u> include the legal name of the brokerage firm or a trade name previously registered by the brokerage firm with the business registration division and with the commission, <u>and the license number of the brokerage except that this subsection shall not apply to real estate advertising or promotional materials described in subsection (i).</u> <u>Notwithstanding the requirements of subsection (i), the license number of the brokerage shall not be required for all advertising and promotional materials that comply with paragraph (e).</u> A brokerage firm may:</p> <p>(1) Abbreviate "Incorporated", "Corporation", "Limited", "General Partnership", "Limited Partnership", "Limited Liability Company", or "Limited Liability Partnership" from the licensed name; and</p> <p>(2) Use "dba" in conjunction with the licensed name and a trade name.</p> <p>(b) No licensee shall advertise "For Sale by Owner", "For Rent by Owner", "For Lease by Owner", or "For Exchange by Owner."</p> <p>(c) Current individual real estate licensees <u>on inactive status</u> shall disclose the licensee's inactive</p>

licensed by the commission, or sole proprietor's trade name as licensed by the commission;

(2) Identify the licensee with the licensee's associating or employing brokerage firm; and

(3) Specify that the licensee is a broker (B), or salesperson (S), or if a current member of the Hawaii Association of Realtors, Realtor (R) or Realtor-Associate (RA).

(f) If the address of any unregistered place of business is included in advertising materials, then the street address of the principal place of business or the branch office, as the case may be, shall be included and respectively identified as such.

status shall disclose the licensee's inactive status in all advertising and promotional material.

(d) A leasehold property advertised for sale in any medium shall be identified by the word "leasehold".

(e) All advertising and promotional materials that refer to the individual licensee's name, including but not limited to business cards, shall:

(1) Include the licensee's legal name, name as licensed by the commission, or sole proprietor's trade name as licensed by the commission;

(2) Identify the licensee with the licensee's associating or employing brokerage firm; and

(3) Include the licensee's license number as issued by the commission.

(f) If the address of any unregistered place of business is included in advertising materials, then the street address of the principal place of business or the branch office, as the case may be, shall be included and respectively identified as such.

(g) Solicitation materials mean electronic or print materials soliciting the creation of a professional relationship between the licensee and a consumer, or which incentivizes, induces, or entices a consumer to contact the licensee about a product or service for which a real estate license is required.

(h) All real estate solicitation materials shall include the brokerage's license number, provided that

the license number of the brokerage is not required for solicitation materials which contain the legal name or license name of an individual real estate licensee and the licensee's license number. The license number of the brokerage or individual licensee shall not be required for office signage identifying the brokerage's place of business or branch office and promotional materials of nominal value including but not limited to hats, clothing, pins, pens, memo pads, and name badges.

(i)All real estate advertising and promotional materials that include a team name registered by the brokerage firm pursuant with §16-99.1-16 shall prominently and conspicuously include the legal name or license name of the brokerage firm and license number of the brokerage as issued by the commission. Team names and logos shall not be larger in size than the brokerage name and logo in all advertisements.

(j)All real estate advertising and promotional materials that include a team name and the name of any real estate licensee associated with the brokerage firm shall include the licensee's license number as issued by the commission.

(k)A brokerage firm shall be prohibited from including the names and contact information of any unlicensed person, including employees and contractors, in any advertising or promotional material.

No existing section

§16-99.1-16 Team name. (a) As used in this section: “Team” means two or more real estate licensees associated with the brokerage firm who are assigned by the principal broker to work together in an informal group within the brokerage firm.  
“Team name” means a name that complies with this section and is assigned by the principal broker to a team.  
(b)Prior to using a team name, a brokerage shall register the team name with the commission, provided that:  
(1)The team name is currently registered by the brokerage as a trade name with the business registration division; and  
(2)The team name shall not include any term that would imply a separate entity from the brokerage firm with which the members of a team are associated, including but not limited to, the following terms:  
(A)Company or any abbreviation of the term;  
(B)Limited or any abbreviation of the term, including but not limited to, Ltd., LLC, LLLC, LLP, LLLP;  
(C)Corporation or any abbreviation of the term;  
(D)Incorporated or any abbreviation of the term;  
(E)Partners or partnership or any abbreviation of the terms;  
(F)Proprietor, proprietors, proprietorship, or any abbreviation of the term;

	<p>or any abbreviation of the term;  <u>(G)Association or any abbreviation of the term;</u>  <u>(H)Organization or any abbreviation of the term;</u>  <u>(I)Realty;</u>  <u>(J)Real estate;</u>  <u>(K)Any other word the commission determines to be misleading.</u>  <u>(c)The principal broker develops policies and procedures for the brokerage firm concerning the handling of real estate transactions and the conduct of each team member. The policies and procedures shall clearly set forth specific activities unlicensed, administrative personnel of the brokerage may and may not perform;</u>  <u>(d)The principal broker or sole proprietor may designate a broker-in-charge to be directly responsible for the supervision and management of each team; and</u>  <u>(e)The team name is advertised in addition to and shall not replace the legal name or license name of the brokerage in any advertising or promotional material pursuant with §16-99.1-15.</u></p>
<p>§16-99-19.2 Experience certificate application. (a) Candidates for the broker examination shall submit to the commission a completed experience certificate application together with:  (1) A nonrefundable application fee; and  (2) A certified statement by the principal broker or a broker in charge of each of applicant's brokerage firms during the three years immediately preceding the application for experience certificate, that attests to the length of time that the applicant has been actively associated or employed full-time with the brokerage firm. Applicants shall have experience in this State as a full-time Hawaii-licensed real estate salesperson, associated as an employee or independent contractor with an active Hawaii-licensed brokerage firm, for at least three years within the five-year period immediately prior to the application for experience certificate.</p>	<p>§16-99.2-6 Experience certificate application. (a) Candidates for the broker examination shall submit to the commission a completed experience certificate application together with:  (1) A nonrefundable application fee; and  (2) A certified statement by the principal broker or a broker in charge of each of applicant's brokerage firms [<del>during the three years immediately preceding the application for experience certificate,</del>] that attests to the length of time that the applicant has been actively associated or employed full-time with the brokerage firm. Applicants shall have experience in this State as a full-time Hawaii-licensed real estate salesperson, associated as an employee or independent contractor with an active Hawaii-licensed brokerage firm, for at least three years within the five-year period immediately prior to the application for experience certificate.</p>
<p>§16-99-87 Definitions. As used in this subchapter:</p>	<p>§16-99.3-24 Definitions. As used in this subchapter:  <u>"USDOE" means the United States Department of Education</u></p>

§16-99-101 Courses not acceptable for continuing education course certification. The commission may not certify a continuing education course, or any portion thereof, which:

§16-99.3-37 Courses not acceptable for continuing education course certification. The commission may not certify a continuing education course, or any portion thereof, which:

(7) Contains multiple typographical or grammatical errors, or errors in subject matter content; and

(8) Does not meet the definition of continuing education as determined by the commission.