## TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 790 Department or Agency Alabama Real	Estate Commission
Alabama <u>Rule No. 790-X-115</u>	
Rule Title: School And Instructor Advertising Regulations	
New X Amend Repeal	Adopt by Reference
Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?	Yes
Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?	Yes
Is there another, less restrictive method of regulation available that could adequately protect the public?	No
Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?	No
Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?	N/A
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?	Yes
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Does the proposed rule have an economic impact?	No
If the proposed rule has an economic impact, the proposed required to be accompanied by a fiscal note prepared in acsubsection (f) of Section 41-22-23, Code of Alabama 1975.	rule is cordance with
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Certification of Authorized official	
I certify that the attached proposed rule has been propose compliance with the requirements of Chapter 22, Title 41, 1975, and that it conforms to all applicable filing require Administrative Procedure Division of the Lepislative Refer	Code of Alabama
Signature of certifying officer	

DATE FILED (STAMP)

## ALABAMA REAL ESTATE COMMISSION

## NOTICE OF INTENDED ACTION

Agency Name: Alabama Real Estate Commission

Rule No: Rule 790-X-1-.15

Rule Title: School And Instructor Advertising Regulations.

Intended Action: Amend Rule

<u>Substance of Proposed Action</u>: The proposed amendment removes the requirement of including the license number of a school on the signage that also contains the licensed or approved name of the school. After a period of three years there was no recognized benefit to the consumer.

Date, Time, Place, Manner of Presenting Views: Comments can be presented at the public hearing scheduled at 9:00 a.m. on July 26, 2012 at the Morgan County Association of REALTORS® located at 1501 4<sup>th</sup> Avenue SE, Decatur, Alabama. Additionally, written comments may be addressed to D. Philip Lasater, Executive Director, Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama 36106. Written comments must be received in the Commission office no later than 4:30 p.m. on August 6, 2012.

Final Date For Comment and Completion of Notice: August 6, 2012

Contact Person at Agency: Chris Booth, Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery Alabama 36106. (334) 242-5544.

D. Philip Lasa er Executive Director

## 790-X-1-.15. School and Instructor Advertising Regulations.

- (1) No school and no instructor shall make, or cause to be made, any statement, or representation, oral, written, or visual in connection with the operation of a school or the offering of a course, if such person knows or reasonably should know the statement or representation to be false, inaccurate, or misleading.
- (2) All school advertising with the exception of signage as identified in Section 34-27-6(f) shall contain the licensed or approved name of the school and the license number. A school shall not advertise in conjunction with any other business establishment unless that school submits a written statement to the Commission that it will be responsible to ensure that all advertising complies with the laws and rules which govern advertising.
- (3) No reference whatsoever shall be made in any newspaper, advertising brochures, etc. as to "pass/fail ratio" by any school/course sponsor or instructor approved by the Alabama Real Estate Commission.
- (4) There shall be no advertising which guarantees or alludes to a guarantee of passing the state examination.
- (5) Failure by schools and instructors to comply with advertising laws and rules shall result in disciplinary action as set forth in Commission rules.

Author: Alabama Real Estate Commission

Statutory Authority: Code of Ala. 1975, §§ 34-27-6, 34-27-8.

History: