

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 61 REAL ESTATE BROKERS
PART 13 CONTINUING EDUCATION REQUIREMENTS

16.61.13.1 ISSUING AGENCY: New Mexico Real Estate Commission.
[1/1/2000; 16.61.13.1 NMAC - Rn & A, 16 NMAC 61.13.1, 1/1/2002]

16.61.13.2 SCOPE: The provisions in Part 13 of Chapter 61 applies to all brokers intending to renew or reactivate their New Mexico broker license.
[1/1/2000; 16.61.13.2 NMAC - Rn, 16 NMAC 61.13.2, 1/1/2002; A, 1/1/2006; A, 12/31/2008]

16.61.13.3 STATUTORY AUTHORITY: Part 13 of Chapter 61 is promulgated pursuant to the Real Estate Licensing Law, NMSA 1978 Section 61-29-4.
[1/1/2000; 16.61.13.3 NMAC - Rn, 16 NMAC 61.13.3, 1/1/2002]

16.61.13.4 DURATION: Permanent.
[1/1/2000; 16.61.13.4 NMAC - Rn, 16 NMAC 61.13.4, 1/1/2002]

16.61.13.5 EFFECTIVE DATE: January 1, 2000, unless a later date is cited at the end of a section.
[1/1/2000; 16.61.13.5 NMAC - Rn & A, 16 NMAC 61.13.5, 1/1/2002]

16.61.13.6 OBJECTIVE: The objective of Part 13 of Chapter 61 is to set forth continuing education requirements for New Mexico real estate brokers.
[1/1/2000; 16.61.13.6 NMAC - Rn, 16 NMAC 61.13.6, 1/1/2002; A, 1/1/2006]

16.61.13.7 DEFINITIONS: Refer to 16.61.1.7 NMAC.
[1/1/2000; 16.61.13.7 NMAC - Rn, 16 NMAC 61.13.7, 1/1/2002]

16.61.13.8 REQUIREMENTS: Except for brokers who are exempt from continuing education by virtue of having attained 65 years of age and a minimum of 20 years of continuous licensure prior to July 1, 2011, the following requirements apply:

A. All active and inactive associate brokers shall successfully complete a minimum of 36 credit hours of continuing education in courses approved by the commission during each licensing cycle. All active and inactive qualifying brokers shall successfully complete a minimum of 42 credit hours of continuing education in courses approved by the commission during each licensing cycle, which includes the qualifying broker refresher course.

B. For each three-year licensing cycle, required courses include: the four-hour New Mexico real estate commission (NMREC) core course to be completed annually; four hours of commission-approved core elective course(s) to be completed during each three-year licensing for associate brokers; eight hours of commission-approved core elective course(s) to be completed during each three-year licensing cycle for qualifying brokers; and for all brokers, four hours of commission-approved ethics courses to be completed during each three-year licensing cycle. Property managers have additional continuing education requirements as specified in Subsection M of this section.

C. All remaining credit hours may be earned toward the cumulative continuing education renewal requirement from commission-approved elective category courses, additional core elective category courses or additional ethics category courses.

D. Each annual iteration of the NMREC core course title will contain the calendar year in which it is to be presented. The commission shall ensure that the content of each annual iteration is unique for each year's course to ensure that brokers are not receiving identical information in more than one course.

E. Pursuant to 16.61.11.8 NMAC, the broker's license will expire and can only be renewed within one year of expiration by payment of a late fee, notwithstanding any exemptions by law or rule, and successful completion of all renewal requirements; including all applicable annual core course requirements. If a broker fails to meet the core course requirements at the time of renewal, and is not exempt under 16.61.13.8 NMAC, the following policy will be in effect:

(1) If a broker failed to complete the core course required for, the third calendar year of their license renewal cycle, the broker must complete that core course with a core course instructor, in a regular core course class setting, or another format that has been approved by the commission within one year of expiration.

(2) If a broker failed to complete an annual core course required for the first or second years of their three-year license renewal cycle, and is unable to complete a make-up of the missed course(s) with an approved core course instructor prior to license expiration, the broker will be required to successfully complete the 30-hour broker basics course prior to expiration or as a condition of expired license renewal/reinstatement. The broker will be given credit for renewal purposes, but will not be given any continuing education credit.

(3) If a broker failed to complete any one of the three annual core course requirements within the context of their three-year cycle due to medical reasons and can present documentation to the commission of such medical reasons or active military deployment, the commission may authorize the broker to take the missed core course iteration by repeating, preferably under different instructors, the most recent core course iteration the number of annual core courses they missed prior to license expiration. Such medical reasons may include documentation (i.e., doctor's affidavit/ letter) indicating the necessity of the broker to serve as a parental or immediate family caregiver.

F. Commission-approved pre-licensing courses may count for up to 10 credit hours toward continuing education credit for license renewal. The commission approved 30-hour post-licensing course may also count for up to 10 credit hours toward continuing education.

G. No individual commission-approved continuing education course will be granted more than 10 credit hours of continuing education credit.

H. Continuing education credit hours generally cannot be carried forward to the next licensing cycle except for new calendar year iterations of the annual core courses in excess of 12 core course hours normally sufficient for the cycle. If the broker renews their license early within their on-line renewal two-month window, and they meet the 36-hour minimum for that renewal for an associate broker and the 42-hour minimum for that renewal for a qualifying broker, and the broker takes a core course between the date of the renewed license, and the end of the cycle's date of expiration, they may carry a fourth four-hour core course credit forward to the next cycle.

I. The same continuing education course may not be repeated for credit in the same three-year renewal cycle.

J. Brokers may receive up to a maximum of four approved elective course credit hours during each licensing cycle for attending commission meetings, rule hearings, disciplinary hearings, or meetings of the education advisory committee (EAC). Brokers are prohibited from receiving credit for attending a disciplinary hearing in which they are a respondent.

K. Approved instructors may use up to 28 credit hours during each three-year licensing cycle toward fulfillment of their own continuing education requirements for teaching commission approved courses. Teaching documentation must be provided by the course sponsor. Instructors may not use the same course for credit during any three-year licensing cycle.

L. Classes required by the commission for disciplinary reasons cannot be counted towards the continuing education requirements for license renewal.

M. Pursuant to 16.61.3.14 NMAC, all brokers who intend to offer property management services for others, shall as a condition of offering property management services complete the education requirements as listed below:

(1) Completion of the commission approved course, Uniform Owner-Resident Relations Act, or a commission approved equivalent property management related course, prior to offering property management services and every subsequent three-year licensing cycle.

(2) As a condition of offering property management services, in addition to the course requirement in subsection A above, associate brokers shall complete a minimum of six hours of approved continuing education courses in property management selected from the commission's most current approved course catalogue during each three-year licensing cycle.

(3) Qualifying brokers who offer or intend to offer property management services for others, shall as a condition of offering such services, in addition to the course requirement in subsection A above, complete a minimum of 12 hours of approved continuing education courses in property management selected from the commission's most current approved course catalogue, each three-year licensing cycle.

(4) While qualifying brokers are already subject to the meeting attendance requirements for license renewal under Subsection C of 16.61.3.13 NMAC, associate brokers who offer or intend to offer property management services shall also be subject to the same meeting attendance requirements namely, the attendance at one commission meeting, rule hearing, or disciplinary hearing for at least three hours, or until the commission goes into executive session, or the hearing/meeting ends, whichever comes first. Attendance may be live meeting/hearing or by live or recorded distance broadcast, but must be documented by signing into and out of the meeting/hearing. In the event of broker hardship, approved by the commission, the real estate commission may authorize an

equivalent to the attendance of a commission meeting either by an online download, attendance at any approved equivalent, or by other approved participation.

N. In recognition of the volunteer service to the real estate commission and subject to subsection J of 16.61.13.8 NMAC, the following is in effect:

(1) Effective with the appointment of new commissioners after January 1, 2021, a broker currently serving their appointed term as a real estate commissioner may receive up to a maximum of 16 elective credit hours during each three-year licensing cycle for which they serve.

(2) A broker currently serving their appointed term as an education advisory committee member may receive up to a maximum of 16 elective credit hours during each three-year licensing cycle for which they serve upon written request to the commission at least two months prior to the date of license expiration.

(3) A broker currently serving their appointed term as a member of any other real estate commission task force or ad-hoc committee may receive up to a maximum of 16 elective credit hours during each three-year licensing cycle for which they serve upon written request to the commission at least two months prior to the date of license expiration.

(4) All those seeking volunteer service credit must submit a summary of such service to commission staff.

[1/1/2000; 16.61.13.8 NMAC - Rn & A, 16 NMAC 61.13.8, 1/1/2002; A, 1/1/2006; A, 1/1/2007; A, 12/31/2008; A, 1/1/2012; A, 1/1/2017; A, 1/1/2019; A, 1/3/2021]

16.61.13.9 VERIFICATION OF COMPLETION OF COURSE WORK: At the time of license renewal, associate brokers and qualifying brokers shall submit to the real estate commission verification of completion of continuing education course work.

[1/1/2000; 16.61.13.9 NMAC - Rn, 16 NMAC 61.13.9, 1/1/2002; A, 1/1/2006; A, 12/31/2008; A, 1/1/2012]

HISTORY OF 16.61.13 NMAC:

Pre-NMAC History:

The material in this part was derived from that previously filed with the state records center and archives under: Rule No. 6, Education Required, filed 12/18/1987; NMREC Rule 6, Education Required, filed 10/3/1994.

History of Repealed Material:

16 NMAC 61.13, Continuing Education: Licensee Requirements (filed 6/25/1997) repealed 1/1/2000.

Other History:

NMREC Rule 6, Education Required (filed 10/3/1994) was reformatted, renumbered, and replaced by 16 NMAC 61.13, Continuing Education: Licensee Requirements, effective 8/15/1997.

16 NMAC 61.13, Continuing Education: Licensee Requirements (filed 6/25/1997) was replaced by 16 NMAC 61.13, Continuing Education: Licensee Requirements, effective 1/1/2000.

16 NMAC 61.13, Continuing Education: Licensee Requirements, (filed 12/10/1999) was reformatted, renumbered, amended and replaced by 16.61.13, Continuing Education: Licensee Requirements, effective 1/1/2002.