

## **520-1-.05 Maintaining a License.**

(1) **Required Education.** O.C.G.A. Section 43-40-8 (d) requires that each salesperson must furnish to the Commission within one year of the issuance of an original salesperson's license evidence of satisfactory completion of a post-license course of study of at least 25 instructional hours (other than the Salespersons Prelicense Course or Brokers Prelicense Course) approved by the Commission. Salespersons must have completed such course:

(a) no earlier than one year before the date of issuance of the original salesperson's license, or

(b) no later than either:

1. one year after the date of issuance of an original salesperson's license or

2. eighteen months after the date of issuance of an original salesperson's license if the salesperson qualifies for the six month extension of time authorized by the O.C.G.A. Section 43-40-8(d).

(c) if the salesperson is a non-resident who has successfully completed in his or her state of residence a post-license course substantially similar to Georgia's Salespersons Postlicense Course prior to the issuance of a Georgia salesperson's license (or in the first year after being issued such a license), then such course shall be deemed to have met the requirements of O.C.G.A. Section 43-40-8(d).

### **(2) Active or Inactive License.**

(e) Any licensee who seeks to activate a license which has been on inactive status shall be required to have satisfactorily completed the continuing education requirements which would have been required if such licensee had been on active status or in lieu thereof, requalifying as an original applicant.

### **(4) Reinstatement of Lapsed License.**

(a) Any licensee whose license lapses due to nonpayment of fees or failure to satisfactorily complete any of the education requirements of O.C.G.A. Chapter 43-40 shall be prohibited from engaging in real estate brokerage activities as defined in O.C.G.A. Section 43-40-1 until such time as the license is reinstated. (b) Any licensee who has been exempt from the continuing education requirements of O.C.G.A. Section 43-40-8(e), and whose license has lapsed for longer than one year from the date of lapsing, and who reinstates it by paying the fees cited in Rule 520-1-.04(1) shall thereafter be subject to the continuing education requirements of O.C.G.A. Section 43-40-8 (e).

(c) Any licensee who fails to pay a renewal fee and allows an active license to lapse may reinstate that license to active status within two years of the date of lapsing by paying the fees cited in Rule 520-1-.04(1), provided the licensee has satisfactorily completed the continuing education requirements which would have been required if such licensee had been on active status.

(d) Any licensee who fails to pay a renewal fee and allows an inactive license to lapse may reinstate that license to active status within two years of the date of lapsing by paying the fees cited in Rule 520-1-.04(1) provided the licensee has satisfactorily completed the continuing education requirements which would have been required if such licensee had been on active status.

(e) Any licensee who fails to pay a renewal fee and allows an inactive license to lapse may reinstate that license to inactive status within two years of the date of lapsing by paying the fees cited in Rule 520-1-.04(1).

(f) Any licensee who allows either an active or inactive license to lapse for a period longer than two years and less than five years from the date of lapsing may reinstate that license to active status by paying the fees cited in Rule 520-1-.04 (1) and by satisfactorily completing the following educational course:

1. if the lapsed license is that of a community association manager, the Community Association Managers Prelicense Course;
2. if the lapsed license is that of a salesperson, the Salespersons Prelicense Course; or
3. if the lapsed license is that of a broker or associate broker, the Brokers Prelicense Course. Courses taken to reinstate a license as provided in 1. , 2. and 3. above must be taken within one year prior to making application for and paying the fees required for reinstatement.

(g) Any licensee who fails to pay a renewal fee and allows a license to lapse and who does not elect to reinstate the license under the provisions of paragraph (4) (c), (d), (e) or (f) of this Rule may reinstate the license by retaking and passing the appropriate qualifying examination for that license including the national portion of the examination.

(h) Any licensee whose license has lapsed a period of time longer than five years from the date of lapsing due to a failure to pay required fees and who desires to re-qualify for a license must do so as an original applicant.

(i) Any active licensee whose license lapses for not completing any continuing education required for renewal of a license shall automatically upon paying a renewal fee become an inactive licensee and subject to the rules which govern an inactive license.

(j) Any salesperson whose license lapsed for failure to satisfactorily complete the 25 instructional hours of post-license education required by O.C.G.A. Section 43-40-8(d) may reinstate the license only as provided in that Code section. Any such salesperson whose license has lapsed for a period of time longer than five years due to a failure to complete the post-license education requirements in a timely manner and who desires to re-qualify for a license shall do so by re-qualifying as an original applicant.

(k) Any licensee whose license lapses for any reason and who then applies to reinstate that license or any licensee whose license is on inactive status and who then applies to reactivate that license shall not commence work in real estate brokerage activities until:

1. if a broker, he or she has received the broker's certificate of licensure; or
2. if a community association manager, salesperson, or associate broker, the broker with whom the licensee is affiliated has received the licensee's certificate of licensure.

Authority O.C.G.A. Secs. 43-40-1, 43-40-2, 43-40-8, 43-40-9, 43-40-12, 43-40-14, 43-40-25