

## ARTICLE 5. GENERAL PROVISIONS

### Rule 1. Authority; Purpose

#### 876 IAC 5-1-1 Authority; purpose

Authority: IC 25-34.1-2-5

Affected: IC 25-1-11; IC 25-34.1

Sec. 1. The fundamental and primary purpose of the commission is to safeguard the public interest through the following:

- (1) Encouraging and requiring high standards of knowledge.
- (2) Encouraging ethical practices.
- (3) Disciplining of brokers who engage in dishonest, fraudulent, or criminal activities.
- (4) Causing the discipline of persons who violate IC 25-1-11, IC 25-34.1, or this title.

*(Indiana Real Estate Commission; 876 IAC 5-1-1; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

### Rule 2. Definitions

#### 876 IAC 5-2-1 Definitions

Authority: IC 25-34.1-2-5; IC 25-34.1-2-5.1

Affected: IC 25-34.1-3-2; IC 25-34.1-5

Sec. 1. The definitions in this rule apply throughout this title. *(Indiana Real Estate Commission; 876 IAC 5-2-1; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

#### 876 IAC 5-2-2 "Branch manager" defined

Authority: IC 25-34.1-2-5; IC 25-34.1-2-5.1

Affected: IC 25-34.1-3-2; IC 25-34.1-5

Sec. 2. "Branch manager" means an individual broker who manages a branch office. *(Indiana Real Estate Commission; 876 IAC 5-2-2; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

#### 876 IAC 5-2-3 "Branch office" defined

Authority: IC 25-34.1-2-5; IC 25-34.1-2-5.1

Affected: IC 25-34.1-3-2; IC 25-34.1-5

Sec. 3. "Branch office" means a broker company's office other than its principal place of business. *(Indiana Real Estate Commission; 876 IAC 5-2-3; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

#### 876 IAC 5-2-4 "Broker" defined

Authority: IC 25-34.1-2-5; IC 25-34.1-2-5.1

Affected: IC 25-34.1-3-2; IC 25-34.1-5

Sec. 4. "Broker" refers to a person who holds a valid broker license issued by the commission to practice real estate as described in IC 25-34.1-3-2. *(Indiana Real Estate Commission; 876 IAC 5-2-4; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

#### 876 IAC 5-2-5 "Broker company" defined

Authority: IC 25-34.1-2-5; IC 25-34.1-2-5.1

Affected: IC 25-34.1-3-2; IC 25-34.1-5

Sec. 5. "Broker company" means any business licensed as a broker to practice real estate as described in IC 25-34.1-3-2

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whether as a sole proprietorship, partnership, limited liability company, or corporation. For sole proprietorships, the sole proprietor's individual broker license is the business license. (*Indiana Real Estate Commission; 876 IAC 5-2-5; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

### **876 IAC 5-2-6 "Commission" defined**

Authority: IC 25-34.1-2-5; IC 25-34.1-2-5.1

Affected: IC 25-34.1-2-1

Sec. 6. "Commission", unless the context clearly requires otherwise, means the Indiana real estate commission established by IC 25-34.1-2-1. (*Indiana Real Estate Commission; 876 IAC 5-2-6; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

### **876 IAC 5-2-7 "Course approval" defined**

Authority: IC 25-34.1-2-5; IC 25-34.1-2-5.1

Affected: IC 25-34.1-3-2; IC 25-34.1-5

Sec. 7. "Course approval" means approval of a broker course granted under IC 25-34.1-5 and 876 IAC 2, which is not expired, suspended, or revoked. (*Indiana Real Estate Commission; 876 IAC 5-2-7; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

### **876 IAC 5-2-8 "License" defined**

Authority: IC 25-34.1-2-5; IC 25-34.1-2-5.1

Affected: IC 25-34.1-3-2; IC 25-34.1-5

Sec. 8. "License" means a right to perform, for compensation, any of the acts provided in IC 25-34.1-3-2. (*Indiana Real Estate Commission; 876 IAC 5-2-8; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

### **876 IAC 5-2-9 "Licensee" defined**

Authority: IC 25-34.1-2-5; IC 25-34.1-2-5.1

Affected: IC 25-34.1-3-2; IC 25-34.1-5

Sec. 9. "Licensee" means a person who holds a valid broker license issued by the commission. (*Indiana Real Estate Commission; 876 IAC 5-2-9; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

### **876 IAC 5-2-10 "Licensing agency" defined**

Authority: IC 25-34.1-2-5; IC 25-34.1-2-5.1

Affected: IC 25-34.1-3-2; IC 25-34.1-5

Sec. 10. "Licensing agency" means the Indiana professional licensing agency. (*Indiana Real Estate Commission; 876 IAC 5-2-10; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

### **876 IAC 5-2-11 "Listing broker" defined**

Authority: IC 25-34.1-2-5; IC 25-34.1-2-5.1

Affected: IC 25-34.1-3-2; IC 25-34.1-5

Sec. 11. "Listing broker" means a broker company who has a written contract with an owner, allowing the broker company to:

- (1) sell;
- (2) buy;

- (3) trade;
- (4) exchange;
- (5) option;
- (6) lease;
- (7) rent;
- (8) manage;
- (9) list; or
- (10) appraise;

real estate. (*Indiana Real Estate Commission; 876 IAC 5-2-11; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

**876 IAC 5-2-12 "Managing broker" defined**

Authority: IC 25-34.1-2-5; IC 25-34.1-2-5.1  
Affected: IC 25-34.1-1-2

Sec. 12. "Managing broker" has the meaning set forth in IC 25-34.1-1-2. (*Indiana Real Estate Commission; 876 IAC 5-2-12; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

**876 IAC 5-2-13 "Owner/seller" defined**

Authority: IC 25-34.1-2-5; IC 25-34.1-2-5.1  
Affected: IC 25-34.1-3-2; IC 25-34.1-5

Sec. 13. "Owner/seller" means that person or persons of record who has an interest in the property or their duly authorized representative. (*Indiana Real Estate Commission; 876 IAC 5-2-13; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

**876 IAC 5-2-14 "Person" defined**

Authority: IC 25-34.1-2-5; IC 25-34.1-2-5.1  
Affected: IC 25-34.1-3-2; IC 25-34.1-5

Sec. 14. "Person" means:

- (1) an individual;
- (2) a partnership;
- (3) a limited liability company; or
- (4) a corporation.

(*Indiana Real Estate Commission; 876 IAC 5-2-14; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

**876 IAC 5-2-15 "Real estate" defined**

Authority: IC 25-34.1-2-5; IC 25-34.1-2-5.1  
Affected: IC 25-34.1-3-2; IC 25-34.1-5

Sec. 15. "Real estate" means any right, title, or interest in real property. (*Indiana Real Estate Commission; 876 IAC 5-2-15; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

**876 IAC 5-2-16 "Referral" defined**

Authority: IC 25-34.1-2-5; IC 25-34.1-2-5.1  
Affected: IC 25-34.1-3-2; IC 25-34.1-5

Sec. 16. "Referral" means the act of recommending or referring a sales lead to a broker. (*Indiana Real Estate Commission;*

876 IAC 5-2-16; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)

**876 IAC 5-2-17 "Referral service" defined**

Authority: IC 25-34.1-2-5; IC 25-34.1-2-5.1

Affected: IC 25-34.1-3-2; IC 25-34.1-5

Sec. 17. "Referral service" means a company or part of a company or franchise system established for the purpose of recommending or referring client or customer leads to other brokers. (*Indiana Real Estate Commission; 876 IAC 5-2-17; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

**876 IAC 5-2-18 "Selling broker" defined**

Authority: IC 25-34.1-2-5; IC 25-34.1-2-5.1

Affected: IC 25-34.1-3-2; IC 25-34.1-5

Sec. 18. "Selling broker" means a broker company that:

(1) is acting on behalf of the buyer or tenant; and

(2) provides an accepted offer to purchase to the seller or accepted lease agreement to the landlord.

(*Indiana Real Estate Commission; 876 IAC 5-2-18; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

**Rule 3. Fee Schedule**

**876 IAC 5-3-1 Fee schedule**

Authority: IC 25-1-8-2; IC 25-34.1-2-5

Affected: IC 25-34.1-8-7.5

Sec. 1. (a) The fee schedule is as follows:

(1) Application for real estate broker license: \$50

(2) Renewal of real estate broker license: \$50

(3) Reassignment of license: \$10

(4) Activation of inactive license: \$10

(5) Application for continuing education course sponsor: \$50

(6) Renewal of continuing education course sponsor: \$50

(7) Application for continuing education course instructor permit: \$10

(8) Renewal of continuing education course instructor permit: \$10

(9) Application for real estate (prelicensing) school permit: \$50

(10) Renewal of real estate (prelicensing) school permit: \$50

(11) Application for prelicensing course instructor permit: \$10

(12) Renewal of prelicensing course instructor permit: \$10

(b) In addition to the fees required under subsection (a), the commission shall charge and collect ten dollars (\$10) for the investigative fund under IC 25-34.1-8-7.5 for the issuance and renewal of a real estate broker license.

(c) All fees charged and collected under this rule shall be nonrefundable and nontransferable. (*Indiana Real Estate Commission; 876 IAC 5-3-1; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

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