

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 61 REAL ESTATE BROKERS
PART 11 LICENSE EXPIRATION AND RENEWAL

16.61.11.1 ISSUING AGENCY: New Mexico Real Estate Commission.
[8/15/1997; 16.61.11.1 NMAC - Rn & A, 16 NMAC 61.11.1, 1/1/2002]

16.61.11.2 SCOPE: The provisions in Part 11 of Chapter 61 apply to all currently licensed New Mexico real estate brokers.
[8/15/1997; 16.61.11.2 NMAC - Rn, 16 NMAC 61.11.2, 1/1/2002; A, 1/1/2006]

16.61.11.3 STATUTORY AUTHORITY: Part 11 of Chapter 61 is promulgated pursuant to the Real Estate Licensing Law, Section 61-29-4 NMSA 1978.
[8/15/1997; 16.61.11.3 NMAC - Rn, 16 NMAC 61.11.3, 1/1/2002]

16.61.11.4 DURATION: Permanent.
[8/15/1997; 16.61.11.4 NMAC - Rn, 16 NMAC 61.11.4, 1/1/2002]

16.61.11.5 EFFECTIVE DATE: August 15, 1997, unless a later date is cited at the end of a section.
[8/15/1997; 16.61.11.5 NMAC - Rn & A, 16 NMAC 61.11.5, 1/1/2002]

16.61.11.6 OBJECTIVE: The objective of Part 11 of Chapter 61 is to set forth the requirements and procedures for the renewal of a real estate broker's license.
[8/15/1997; 16.61.11.6 NMAC - Rn, 16 NMAC 61.11.6, 1/1/2002; A, 1/1/2006]

16.61.11.7 DEFINITIONS: Refer to 16.61.1.7 NMAC.
[1-1-2000; 16.61.11.7 NMAC - Rn, 16 NMAC 61.11.7, 1/1/2002]

16.61.11.8 REQUIREMENTS: ~~Every real estate license expires every three years on the last day of the month following the broker's birth month, unless it is renewed on or before that date. Renewal of a license is the sole responsibility of each broker. A broker whose license has expired may reinstate their license without reexamination up to one year after expiration by paying a reinstatement fee three times the regular license renewal fee. A qualifying broker with multiple licenses cannot avoid paying the late fee on an expired license by allowing the license to expire and applying for an additional license. An application for an additional license within one year of the broker's license expiration date will only be accepted if the qualifying broker brings all other licenses current with respect to fees, continuing education, and other renewal requirements. In addition to paying a reinstatement fee, the broker will be required as a condition of reinstatement to provide documentation of the completion of 36 hours of commission approved continuing education courses. The commission shall email online license renewal forms and all related web links to brokers at the broker's email address on file at the commission, and if possible, in the case of active associate brokers, send a copy of said email notice to the applicable qualifying broker. Brokers are responsible for providing the commission with a current email address, and phone number; and, for notifying the commission within 10 days of a change of email address. Brokers must also maintain a current residential address with the commission and notify the commission within 10 days of a residential address change. The qualifying broker may pay a commission to a broker whose license is expired or to the estate of a deceased broker if the transaction was under contract while the broker's license was current.~~

A. Renewal period: Every real estate license expires every three years on the last day of the month following the broker's birth month, unless it is renewed on or before that date. Renewal of a license is the sole responsibility of each broker.

B. Late renewal fee penalty: A broker whose license has expired may reinstate their license without reexamination up to one year after expiration by paying a reinstatement fee three times the regular \$270 license renewal fee.

C. Exemption from late fee penalty for documentable medical or military reasons: Pursuant to Section 61-29-8 NMSA 1978, a broker may be excused from paying a late license renewal/reinstatement fee of three times the normal \$270 renewal fee if the broker by reason of (1) active duty military service; or (2) impairment due to illness or injury. In these cases the broker may make application for a license renewal/reinstatement if the

application is submitted within the one-year period after license expiration. A broker may apply for a late fee exemption under the following conditions and procedures:

(1) **Active Military/Reserve Duty:** The broker or their spouse must have been placed on active military/reserve duty and can document military orders.

(2) **Medically related impairment or incapacitation:** The broker, spouse or a member of the broker's immediate family is placed under a doctor's care suffering from an illness or injury of such severity that the broker is physically or mentally incapable or otherwise deterred of completing renewal requirements on time, and submitting an application for license renewal prior to license expiration. This exemption includes brokers who are temporarily deterred from completing renewal requirements due to parental or immediate family caregiving as documentable by sufficient medical affidavit.

(3) **Documentation:** The broker's late renewal/reinstatement application must contain documentable medical evidence, or in the case of military service, a document that shows the effective date of return from active military duty. Nevertheless, in all cases, the license will be considered expired and the broker may not practice real estate until the broker, within the one year from expiration, renews/reinstates his/her license. In all cases, brokers renewing/reinstating late must meet all continuing education requirements due during the expired cycle in question.

(4) **Procedure:** Brokers seeking the late fee exemption under the above conditions must first contact commission staff prior to submittal of the late renewal application, and must submit a letter of explanation along with the pertinent documentation supporting late fee exemption request. Following commission staff review of the documentation, commission staff will determine the validity of the documentation. If a late fee exemption is granted, the commission staff will notify the broker to submit the late renewal application. If an exemption from the late fee is not granted, the broker may submit the late renewal, but be subject to the late fee penalty at the time of submission. In the case of a denial of the exemption, the broker may appeal the decision to the Commission.

D. Forfeiture of license renewal/reinstatement: After the time period of one year from the date of license expiration, the broker will not be able to renew or reinstate their license, and the broker would have to undergo all prelicensure requirements to become licensed in the future.

E. Multiple license circumvention of late fees disallowed: A qualifying broker with multiple licenses cannot avoid paying the late fee on an expired license by allowing the license to expire and applying for an additional license. An application for an additional license within one year of the broker's license expiration date will only be accepted if the qualifying broker brings all other licenses current with respect to fees, continuing education, and other renewal requirements. In addition to paying a reinstatement fee, the broker will be required as a condition of reinstatement to provide documentation of the completion of the necessary 42 hours of continuing education required for a qualifying broker.

F. On-line renewal forms: The commission shall email online license renewal forms and all related web links to brokers at the broker's email of record on file at the commission, and if possible, in the case of active associate brokers, send a copy of said email renewal notice to the applicable qualifying broker.

G. Phone number of record and email of record address changes: Brokers are responsible for providing the commission with a current email address, and phone number; and, for notifying the commission within 10 days of a change of email address. Brokers must also maintain a current residential address with the commission and notify the commission within 10 days of a residential address change.

H. Payment of commissions to brokers with expired license: The qualifying broker may pay a commission to a broker whose license is expired or to the estate of a deceased broker only if the transaction was under contract while the broker's license was current.

I. Background checks: The commission will conduct a background check on all renewal applicants and may use that information in determining their eligibility for renewal.

[8/15/1997; A, 1/1/2000; 16.61.11.8 NMAC - Rn & A, 16 NMAC 61.11.8, 1/1/2002; A, 1/1/2004; A, 1/1/2006; A, 12/31/2008; A, 1/1/2012; A, 1/1/2017; A, 1/1/2019]

HISTORY OF 16.61.11 NMAC:

Pre-NMAC History:

The material in this part was derived from that previously filed with the state records center and archives under:

REC 70-13, Cancellation; Surrender and Renewal of Licenses, filed 10/6/1981.

REC 71-13, Cancellation, Surrender and Renewal of Licenses, filed 11/29/1982.

REC 84-13, Inactive Surrender and Renewal of License, filed 10/25/1984.

Rule No. 4, Transfer/Surrender/Cancellation/Renewal of License, filed 12/18/1987.

NMREC Rule 4, Transfer/Surrender/Inactivation/Renewal of License, filed 10/3/1994.

History of Repealed Material: [RESERVED]

Other History:

That applicable portion of NMREC Rule 4, Transfer/Surrender/Inactivation/Renewal of License (filed 10/3/1994) was renumbered, reformatted, and replaced by 16 NMAC 61.11, License Renewal, effective 8/15/1997.

16 NMAC 61.11, License Renewal, filed 6/25/1997 reformatted, amended and renumbered to 16.61.11 NMAC, License Renewal, effective 1/1/2002.