

**State of California
Office of Administrative Law**

In re:
Department of Real Estate

Regulatory Action:

Title 10, California Code of Regulations

Adopt sections:

Amend sections: 2773

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2019-0213-01

OAL Matter Type: Regular (S)

The California Department of Real Estate is requiring that license ID numbers appear in print advertisements, electronic media advertisements, and specified "for sale," "for rent," "for lease," open house and directional signage with certain exemptions.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 3/28/2019.

Date: March 28, 2019



Peggy J. Gibson
Senior Attorney

**Original: Daniel J. Sandri, Acting Real
Estate Commissioner**
Copy: Daniel Kehew

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2019-0213-015	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

<p>NOTICE</p>	<p>REGULATIONS</p>
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ENDORSED - FILED
 in the office of the Secretary of State
 of the State of California

MAR 28 2019
 2:52 PM

AGENCY WITH RULEMAKING AUTHORITY Department of Real Estate	AGENCY FILE NUMBER (if any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2018, 07-2		PUBLICATION DATE 2/16/18

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) First Point of Contact Solicitations	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLES(S) AND SECTION(S) (including title 24, if toxics related)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	AMEND 2773
TITLE(S) 10	REPEAL

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
November 14, 2018 to November 30, 2018; December 14, 2018 to December 31, 2018.

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)


<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(e))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM 56660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Dan Kehew, Real Estate Counsel	TELEPHONE NUMBER (916) 576-7842	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) daniel.kehew@dre.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 2/12/2019
TYPED NAME AND TITLE OF SIGNATORY Daniel J. Sandri, Acting Real Estate Commissioner	

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MAR 28 2019
 Office of Administrative Law

TITLE 10. INVESTMENT
CHAPTER 6. REAL ESTATE COMMISSIONER

§ 2773. Disclosure of License Identification Number on Solicitation Materials - First Point of Contact with Consumers.

(a) A real estate broker or salesperson, when engaging in acts for which a license is required, shall disclose its, his or her eight (8) digit real estate license identification number and responsible broker's name as currently licensed, and may, but is not required to, also include the responsible broker's license identification number, on all solicitation materials intended to be the first point of contact with consumers. If the name of more than one licensee appears in the solicitation, the license identification number of each licensee shall be disclosed. The license identification numbers of employing responsible brokers or corporate brokers whose names or logos-names, logos or trademarks appear on solicitation materials along with the names and license numbers of licensed employees-salespersons or broker associates do not need to appear on those materials. If the advertising is in written form, the type size of the license identification number shall be no smaller than the smallest size type used in the solicitation material.

Solicitation materials intended to be the first point of contact with consumers, and in which a licensee must disclose a license identification number, include the following:

- (1) Business cards;
- (2) Stationery;
- (3) Websites owned, controlled, and/or maintained by the soliciting real estate licensee; and
- (4) Promotional and advertising fliers, flyers, brochures, email and regular postal mail, leaflets, and any marketing or promotional materials designed to solicit the creation of a professional relationship between the licensee and a consumer, or which is intended to incentivize, induce or entice a consumer to contact the licensee about any service for which a license is required. The type size of the license identification number shall be no smaller than the smallest size type used in the solicitation material. required;
- (5) Advertisements in electronic media (including, without limitation, internet, email, radio, cinema, and television advertisements, and the opening section of streaming video and audio);
- (6) Print advertising in any newspaper or periodical; and
- (7) "For sale," "for rent," "for lease," "open house," and directional signs that display the name of the licensee.

(b) ~~For the purposes of Business and Professions Code Section 10140.6, solicitation materials do not include the following:~~

- ~~(1) Advertisements in electronic media (including, without limitation, radio, cinema and television ads, and the opening section of streaming video and audio);~~
- ~~(2) Print advertising in any newspaper or periodical; and~~
- ~~(3) "For Sale" signs placed on or around a property intended to alert the public the property is available for lease, purchase or trade.~~

(b) No license identification number is required where a “for sale,” “for rent,” “for lease,” “open house,” or directional sign has no name, trademark, or other branding of a real estate licensee, or where the only licensee identified is a responsible broker as defined in Business and Professions Code Section 10015.4.

(c) “Advertisements in electronic media” that constitute a first point of contact solicitation are those advertisements that a licensee purchases or directly places on an electronic platform, where the licensee controls the content and presentation of the advertisement, and which include information that is intended to enable consumers to directly contact the licensee. Instances where another party controls the content and visual presentation of the licensee’s information on a platform are excluded from “advertisements in electronic media,” except where the licensee subsequently adopts the content and presentation of the content by distributing or forwarding the advertisement to a consumer.

Note: Authority cited: Section 10080, Business and Professions Code. Reference: ~~Section~~ Sections 10140.6 and 10015.4, Business and Professions Code.