

PROPOSED TEXT – SECOND 15-DAY COMMENT PERIOD

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 10159.7.

(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~~ where the licensee subsequently adopts the content and presentation of the content by distributing or forwarding the advertisement to a consumer.

~~(1) The licensee subsequently adopts the content and presentation of the content by distributing or forwarding the advertisement to a consumer; or~~

~~(2) The solicitation is coupled with advertising that the licensee purchased or directly placed on the third party platform and that advertising permits the consumer to connect directly with the licensee.~~

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