

NOTICE OF PROPOSED RULEMAKING

CHAPTER 863

REAL ESTATE AGENCY

FILING CAPTION: New rules implementing timeshare sales agent license type.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/24/2025 5:00 PM

HEARING(S):

DATE: 11/24/2025

TIME: 10:00 AM - 11:00 AM

OFFICER: Michael Hanifin

REMOTE HEARING DETAILS

MEETING URL: <https://teams.microsoft.com/meet/2826209789285>

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 2826209789285

SPECIAL INSTRUCTIONS:

Phone conference ID 849 197 450#

NEED FOR THE RULE(S):

These rules are in response to HB 2373 and HB 3137, which create a new timeshare sales agent license type.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

HB 2373 and HB 3137, 2025 Legislative Session. Both are available on the Oregon Legislative Information System (a public database).

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

The new rules track the new law, which itself creates opportunities for persons of all backgrounds to become licensed as timeshare sales agents.

FISCAL AND ECONOMIC IMPACT:

These rules are revenue neutral and have a minimal fiscal impact.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

This is a new license type with a lower barrier to entry, as the license requires 14 hours of classwork, which is over 100 hours less classwork than a broker's license, which is currently required for

timeshare sales. These rules do not create new costs or burdens, as there are no requirements beyond what is currently asked of those who can currently sell timeshare interests. No other agencies or local jurisdictions are impacted by these rules.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Representative businesses were included in the a rule advisory committee that was utilized to provide feedback on the proposed rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

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RULES PROPOSED:

863-005-0005, 863-005-0050, 863-005-0060, 863-022-0013, 863-035-0000, 863-035-0010, 863-035-0020, 863-035-0030, 863-035-0040, 863-035-0050, 863-035-0060, 863-035-0070, 863-035-0080, 863-035-0090, 863-035-0100, 863-035-0110, 863-035-0120, 863-035-0130

AMEND: 863-005-0005

RULE TITLE: Definitions

RULE SUMMARY: Revised to include timeshare sales agents in the definition of licensee in para (13).

RULE TEXT:

As used in OAR chapter 863, division 5 unless the context requires otherwise, the following definitions apply:

- (1) "Agency" means the State of Oregon Real Estate Agency.
- (2) "Authorized Designee" means a person authorized by the Real Estate Commissioner to obtain and review criminal offender information and other criminal records information about a subject individual through criminal records checks and other means, and to conduct a criminal background fitness determination in accordance with these rules.
- (3) "Conviction" means that a court of law has entered a final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere (no contest) against a subject individual in a criminal case, unless that judgment has been reversed or set aside by a subsequent court decision.
- (4) "Criminal Background Clearance" means that, pursuant to a criminal background check, an authorized designee has determined that a subject individual is trustworthy and competent to be a licensee through a criminal background fitness determination.

(5) “Criminal Offender Information” includes:

- (a) Records and related data concerning physical description and vital statistics;
- (b) Fingerprints received and compiled by the Oregon Department of State Police to identify criminal offenders and alleged offenders;
- (c) Records of arrests; and
- (d) The nature and disposition of criminal charges, including sentencing, confinement, parole and release records.

(6) “Crime Relevant to a Criminal Background Fitness Determination” means a crime listed or described in OAR 863-005-0030.

(7) “Criminal Records Check and Criminal Background Fitness Determination Rules” or “These Rules” means OAR chapter 863, division 5.

(8) “Criminal Records Check” means any of the following three processes undertaken by the Agency to check the criminal history of a subject individual:

- (a) A check of criminal offender information and motor vehicle registration and driving records conducted through the Law Enforcement Data System (LEDS) maintained by the Oregon Department of State Police, in accordance with the Department’s rules;
- (b) A check of Oregon criminal offender information through fingerprint identification and other means conducted by the Oregon Department of State Police at the Agency’s request (Oregon Criminal Records Check); or
- (c) A nationwide check of federal criminal offender information through fingerprint identification and other means conducted by the Oregon Department of State Police through the Federal Bureau of Investigation or otherwise at the Agency’s request (Nationwide Criminal Records Check).

(9) “Denied” means that, following a criminal background fitness determination under OAR 863-005-0020, an authorized designee has determined that a subject individual is not trustworthy and competent to hold a license or registration.

(10) “False Statement” means that, in association with an activity governed by these rules, a subject individual either:

- (a) Provided the Agency with false information about the subject individual’s criminal history, including, but not limited to, false information about the individual’s identity or conviction record; or
- (b) Failed to provide the Agency information material to determining the individual’s criminal history.

(11) “Fingerprint Card” means a form prescribed by the Oregon Department of State Police and Federal Bureau of Investigation.

(12) “Criminal Background Fitness Determination” means a determination made by an authorized designee pursuant to the process established in OAR 863-005-0020 whether a subject individual is trustworthy and competent to be a licensee or registrant.

(13) “Licensee” means:

(a) A principal real estate broker, real estate broker, real estate property manager, or a timeshare sales agent as defined in ORS 696.010;

(b) A real estate marketing organization licensed under 696.606; or

(c) An escrow agent as defined in 696.505(5).

(14) “Other Criminal Records Information” means any information, in addition to criminal offender information, sought or obtained by the Agency about a subject individual and used by the Agency to determine the individual’s criminal history.

(15) “Registrant” means a person registered as a membership camping contract broker or salesperson as provided in ORS 94.980 or an individual registered as a residential property wholesaler as provided in Oregon Laws 2024, chapter 3, section 1.

(16) “Subject Individual” means an applicant for a license or renewal of a license under ORS 696.020, a real estate marketing organization license under 696.606, an escrow agent license or renewal under 696.511, a membership camping contract broker or salesperson registrant under 94.980, or an applicant for a residential property wholesaler registration under Oregon Laws 2024, chapter 3, section 1 as someone from whom the Agency may require fingerprints in order for the agency to conduct a criminal records check.

STATUTORY/OTHER AUTHORITY: ORS 181.534, 696.022, 696.790

STATUTES/OTHER IMPLEMENTED: ORS 181.534, Oregon Laws 2024, chapter 3, section 3

AMEND: 863-005-0050

RULE TITLE: Notice to Subject Individual of Incomplete Criminal Background Application

RULE SUMMARY: Removed specification of notice by first class mail in para (2) to reflect current process. Updated language, such as replacing “shall” with “must”.

RULE TEXT:

(1) When an authorized designee proposes to close an incomplete criminal background application and terminate a criminal background fitness determination without issuing a decision the authorized designee must:

(a) Provide written notice to the subject individual within 14 calendar days of a decision to terminate the subject individual’s criminal background fitness determination due to incompleteness;

(b) State the reason the subject individual’s criminal background fitness determination application was found to be incomplete; and

(c) Record on the notice the date the criminal background fitness determination application was terminated and closed due to incompleteness.

(2) A subject individual that receives notice that the Agency intends to terminate a criminal background fitness determination due to incompleteness may submit a written request to the Agency requesting the Agency to continue the fitness determination process. A subject individual’s written request to continue the criminal background fitness determination process must be received by the Agency within 30 days of the date of the original notice of termination. The request must include all information previously requested by the Agency but not provided by the subject individual. If a subject individual fails to submit a written request to continue a fitness determination process within 30 days of receiving the notice described in section (1) of this rule, the subject individual shall be required to submit a new background check application, fingerprint card and fee.

STATUTORY/OTHER AUTHORITY: ORS 181.534, 696.022, 696.790

STATUTES/OTHER IMPLEMENTED: ORS 181.534

AMEND: 863-005-0060

RULE TITLE: Notice to Subject Individual of Criminal Background Fitness Determination

RULE SUMMARY: Removed reference to first class mail in notice process in para (2).

RULE TEXT:

(1) An authorized designee must provide written notice to a subject individual that the Agency has completed a requested criminal background fitness determination.

(a) The notice must state the date the Agency completed the criminal background fitness determination and the Agency's decision to approve or deny a criminal background fitness determination application.

(b) If the Agency denies a criminal background fitness determination, the notice must state the reason for the denial based on the factors described in OAR 863-005-0020(5).

(2) The Agency must send the notice of a criminal background fitness determination no later than 14 calendar days after the date the Agency has completed a criminal background fitness determination.

STATUTORY/OTHER AUTHORITY: ORS 181.534, 696.022, 696.790

STATUTES/OTHER IMPLEMENTED: ORS 181.534

ADOPT: 863-022-0013

RULE TITLE: Course Requirements for Timeshare Sales Agent License Applicants

RULE SUMMARY: New rule providing course requirements for timeshare license applicants.

RULE TEXT:

(1) The course required by OAR 863-035-0060 for timeshare sales agent license applicants consists of a 14 clock-hour Agency-approved timeshare sales agent course. The timeshare sales agent course covers the specialized area of timeshare sales agents, including Oregon's legal requirements.

(a) A course offered by private career schools must be approved by the Agency under OAR 863-022-0030.

(b) A course offered by in-state community colleges, colleges, and universities must be approved by the Agency under OAR 863-022-0035.

(2) The 14-hour timeshare sales agent course prepares the applicant for the timeshare sales agent license examination. To be eligible for credit, the 14-hour course must include 14 clock-hours in the following topics:

(a) Ethics.

(b) Applicable laws and rules relating to timeshares.

(c) The principles and practices of selling timeshares.

(3) A license applicant must complete the Agency-approved timeshare sales agent course through a private career school, an in-state community college, college, or university as those terms are defined in OAR 863-022-0005, or Agency approved alternative.

(4) To receive credit for a course provided by a private career school, an applicant must complete the course and receive a passing score of at least 75% on a final exam.

(5) The timeshare sales agent applicant course is eligible for continuing education credit for real estate brokers and principal real estate brokers only under OAR 863-020-0010.

STATUTORY/OTHER AUTHORITY: ORS 696.022

STATUTES/OTHER IMPLEMENTED: HB 2373, 2025 Regular Session

ADOPT: 863-035-0000

RULE TITLE: Application and Purpose

RULE SUMMARY: Creates new rule which states the purpose of the division.

RULE TEXT:

(1) This division sets forth the requirements and process for licensing timeshare sales agents, as that term is defined in ORS 696.010.

(2) The purpose of this division is to specify the requirements for obtaining a timeshare sales agent license.

STATUTORY/OTHER AUTHORITY: ORS 696.022

STATUTES/OTHER IMPLEMENTED: HB 2373, 2025 Regular Session

ADOPT: 863-035-0010

RULE TITLE: Definitions

RULE SUMMARY: This rule establishes definitions to be used in the new chapter.

RULE TEXT:

As used in this division, unless the context requires otherwise, the following definitions apply to this division:

- (1) "Agency" means the Real Estate Agency with powers pursuant to ORS 696.385.
- (2) "Agency-approved form" means an electronic or paper form approved by the Real Estate Agency.
- (3) "Authorized principal broker" means a managing principal broker or a principal broker associated with the managing principal broker to whom applicable supervisory control and responsibility has been allocated through a written supervisory agreement as described in ORS 696.310.
- (4) "Birth month" means the month of a licensee's or applicant's date of birth.
- (5) "Branch office" is defined in ORS 696.010.
- (6) "Commissioner" means the Real Estate Commissioner described in ORS 696.375.
- (7) "Legal name" means the first name, middle name and last or surname, without the use of initials or nicknames and is the name given at birth or subsequently acquired through marriage, court order or adoption.
- (8) "Licensed Name" means the name of a real estate licensee as it appears on the current, valid real estate license issued to the licensee pursuant to ORS 696.020.
- (9) "Managing principal broker" as defined in ORS 696.010
- (10) "Real estate activity," "professional real estate activity," and "real estate business" mean "professional real estate activity" as defined in ORS 696.010, which includes selling or offering to sell timeshares.
- (11) "Real estate licensee" and "licensee" mean a "real estate licensee" as defined in ORS 696.010.
- (12) "Receiving authorized principal broker" means:
 - (a) The managing principal broker with whom an active transferring real estate license will be associated after a license transfer; or
 - (b) A principal broker associated with the managing principal broker to whom applicable supervisory control and responsibility has been allocated through a written supervisory agreement as described in ORS 696.310.

(13) "Registered business name" is defined in ORS 696.010.

(14) "Sending authorized principal broker" means:

(a) The managing principal broker with whom an active transferring real estate license is associated before the license transfer; or

(b) A principal broker associated with the managing principal broker to whom applicable supervisory control and responsibility has been allocated through a written supervisory agreement as described in ORS 696.310.

(15) "Signed" or "Signature" means original or electronic signature as provided by OAR 863-024-0076.

(16) "Timeshare sales agent" is defined in ORS 696.022.

STATUTORY/OTHER AUTHORITY: ORS 696.022, ORS 696.385

STATUTES/OTHER IMPLEMENTED: HB 2373, 2025 Regular Session, HB 3137, 2025 Regular Session

ADOPT: 863-035-0020

RULE TITLE: License Application Content

RULE SUMMARY: New rule establishes the content for timeshare sales agent license applications.

RULE TEXT:

(1) Before the Agency will accept any documents or information relating to an applicant's qualifications, an applicant for a timeshare sales license must submit an application and pay the fee required under this rule using an online application process that is available through the Agency's website.

(2) The license application includes:

(a) The applicant's legal name as defined in OAR 863-035-0010, mailing address, email address and phone number.

(b) The applicant's date.

(c) The applicant's Social Security Number as required by ORS 25.785 and ORS 305.385.

(d) Certification by the applicant that the applicant has a high school diploma, or a certificate for passing an approved high school equivalency test such as the General Educational Development (GED) test or the international equivalent.

(e) Certification by the applicant that the applicant is at least 18 years of age.

(f) For a timeshare sales agent license applicant who is not an active or inactive Oregon real estate licensee, whether the applicant:

(A) Has ever been convicted of or is under arrest, investigation, or indictment for a felony or misdemeanor;

(B) Has ever been refused a real estate license or any other occupational or professional license in any other state or country;

(C) Has ever had any real estate license or other occupational or professional license revoked or suspended; or

(D) Has ever been fined or reprimanded as such a licensee.

(g) Any other information the Commissioner considers necessary to evaluate the applicant's trustworthiness and competency to engage in professional real estate activity in a manner that protects the public interest.

(h) Certification by the applicant that all information provided by the applicant is true and correct.

(3) Every license application must be accompanied by the license fee authorized by ORS 696.270. At

all periods of the year, the fee for all licenses issued is as authorized by 696.270. That is, the Agency does not pro-rate license fees.

STATUTORY/OTHER AUTHORITY: ORS 696.385, ORS 696.022

STATUTES/OTHER IMPLEMENTED: HB 2373, 2025 Regular Session

ADOPT: 863-035-0030

RULE TITLE: Background Check Application and Fingerprint

RULE SUMMARY: New rule that describes the background check application process.

RULE TEXT:

- (1) An applicant for a timeshare sales agent license must submit to a background check, except an applicant who is currently licensed as a real estate broker, principal real estate broker, or real estate property manager or who is eligible for renewal of such licenses.
- (2) The background check includes a criminal background check as provided in OAR chapter 863, division 005, which requires the applicant to provide fingerprints.
- (3) The Agency and a vendor for fingerprinting services (“fingerprint service provider”) have contractually agreed that:
 - (a) The fingerprint service provider will provide fingerprint services to license applicants and submit the fingerprints to the Oregon State Police for Oregon and nationwide criminal history checks.
 - (b) A license applicant may only submit fingerprints required by the Agency through the fingerprint services provider.
 - (c) A license applicant must pay the fee for fingerprinting, directly to the fingerprint services provider.
 - (d) A license applicant must provide fingerprints according to the requirements and instructions of the fingerprint services provider.
 - (e) A license applicant must have submitted a license application to the Agency before providing fingerprints.
- (4) As provided in ORS 181A.225, all fingerprint cards, photographs, records, reports, and criminal offender information obtained or compiled by the Agency are confidential and exempt from public inspection. The Commissioner will keep such information segregated from other information on the applicant or licensee and maintain such information in a secure place.
- (5) If the Agency determines that additional information is necessary to conduct a background check, the Agency may request such information in writing, and the applicant must provide the requested information. If the applicant fails to provide the requested information, the Agency may determine that the license application is incomplete and terminate the application.
- (6) A license applicant must successfully complete the remaining portions of the licensing process required by OAR 863-035-0060 within the 12 months from the date of the successfully completed background check process and review. If the applicant does not meet the licensing requirement within the 12 months, the background check review is no longer valid and the applicant must submit to another background check, including fingerprints as described in this rule.

STATUTORY/OTHER AUTHORITY: ORS 696.022, ORS 696.385

STATUTES/OTHER IMPLEMENTED: HB 2373, 2025 Regular Session

ADOPT: 863-035-0040

RULE TITLE: Examinations

RULE SUMMARY: New rule describing the examination requirement that is part of the licensure process.

RULE TEXT:

- (1) For purposes of this rule, “examination provider” means the vendor, under a contract with the Agency, which provides licensing examination services and collects the fee for such services directly from a license applicant.
- (2) In addition to any other licensing eligibility requirements:
 - (a) A timeshare sales agent license applicant must pass a timeshare sales agent examination.
 - (b) A timeshare sales agent who has not held an active license for two or more consecutive years must pass a reactivation examination.
- (3) To be eligible to take an examination, a timeshare sales agent applicant must:
 - (a) Submitted a license application and fee to the Agency required under OAR 863-035-0020; and
 - (b) Successfully completed the required course of study for a timeshare sales agent license under OAR 863-022-0013 from an approved school, or an Agency approved alternative.
- (4) To be admitted to an examination site:
 - (a) A timeshare sales agent license applicant must be eligible to take an examination under section (3) of this rule;
 - (b) The applicant must register with the examination provider in advance of the examination and comply with the provider’s requirements and instructions; and
 - (c) The examination provider will collect the examination fee under ORS 696.270 directly from the applicant.
- (5) An applicant must pay a separate examination fee for each examination.
- (6) If an applicant for a timeshare sales agent license passes an examination but is not issued a license within one year from the date of the examination:
 - (a) The applicant is no longer qualified for the license on the basis of the examination; and
 - (b) The applicant must retake and pass the examination as required by this rule

STATUTORY/OTHER AUTHORITY: ORS 696.022, ORS 696.385

STATUTES/OTHER IMPLEMENTED: HB 2373, 2025 Regular Session

ADOPT: 863-035-0050

RULE TITLE: License Issue, Term and Form

RULE SUMMARY: New rule establishing term and form of license issuance.

RULE TEXT:

(1) The Agency will issue a real estate license to an applicant after determining that the applicant meets the license requirements contained in ORS 696.022 and 696.790, has paid

(2) A licensee may engage in professional real estate activities allowed for that license by ORS Chapter 696 and OAR chapter 863 from the date the license is issued until the license expires, becomes inactive, or is revoked, surrendered, or suspended.

(3) A licensee may hold only one of the following Oregon real estate licenses at any time:

(a) Real estate broker;

(b) Principal real estate broker;

(c) Real estate property manager; or

(d) Timeshare sales agent

(4) The license expiration date is the last day of the licensee's birth month.

(5) The Agency issues an initial license for a term determined by the licensee's birth month and license issuance date. The initial license term is at minimum 13 months and at most 24 months and 30 days.

(a) If the license is not issued in licensee's birth month, the initial license term will start on the license issue date and end 12 months after first occurrence of the last day of the licensee's birth month.

(b) If the license is issued in the licensee's birth month, the initial license term starts on the license issue date and ends 24 months after the first occurrence of the last day of the licensee's birth month.

(6) The Agency will renew an active or inactive license for a term of 24 months from the last license expiration date.

(7) The Agency will renew an expired license under OAR 863-035-0070 for a term that will start on the license renewal date and end 24 months from the last license expiration date.

(8) The license will include the following information:

(a) The licensee's legal name;

(b) The license number and expiration date;

- (c) The registered business name under which the licensee conducts professional real estate activity;
- (d) The licensee's business address;
- (e) The seal of the Real Estate Agency; and
- (f) Any other information the Agency deems appropriate.

STATUTORY/OTHER AUTHORITY: ORS 696.385, ORS 696.022

STATUTES/OTHER IMPLEMENTED: HB 2373, 2025 Regular Session

ADOPT: 863-035-0060

RULE TITLE: Timeshare Sales Agent Licensing Requirements

RULE SUMMARY: New rule providing steps in licensure process.

RULE TEXT:

(1) To be eligible for a timeshare sales agent license, an individual must complete the following steps in the order listed:

- (a) Submit the required online license application and pay the related fee to the Agency.
- (b) Successfully complete the required courses of study for a timeshare sales agent license required by OAR 863-022-0013, or an Agency approved alternative.
- (c) Ensure that the school providing the required course of study certifies to the examination provider that the applicant completed the course as required by OAR 863-022-0013.
- (d) Pay the fee to the examination provider and take and pass the timeshare sales agent examination as required by OAR 863-035-0040.
- (e) Provide fingerprints for a criminal background check and pay the fee to the fingerprint services provider as required by OAR 863-035-0030.

(2) After the applicant meets the requirements under (1) of this rule, the Agency will complete a background check on the applicant, which includes a criminal background check under OAR 863-035-0030.

(3) A timeshare sales agent must be associated with a managing principal broker. Using the online license transfer application available through the Agency's website, an authorized principal broker must transfer the timeshare sales agent to the registered business name under OAR 863-035-0090.

STATUTORY/OTHER AUTHORITY: ORS 696.385, ORS 696.022

STATUTES/OTHER IMPLEMENTED: HB 2373, 2025 Regular Session

ADOPT: 863-035-0070

RULE TITLE: License Renewal

RULE SUMMARY: New rule creating license renewal process.

RULE TEXT:

- (1) A timeshare sales agent may only submit a license renewal application and pay the fee using an online application process, which is available through the Agency's website.
- (2) For purposes of this rule, "received by the Agency" means the date a licensee completed the online renewal process and paid the fee required under ORS 696.270.
- (3) A timeshare sales agent license expires if a licensee fails to renew the license on or before the license expiration date. A timeshare sales agent may not engage in selling or offering to sell timeshares after a license expires. A timeshare sales agent may renew an expired license as provided in this rule.
- (4) The Agency may renew an active timeshare sales agent license to active status for the term prescribed in OAR 863-035-0050 when the Agency has received the following:
 - (a) The renewal fee authorized by ORS 696.270; and
 - (b) An online active renewal.
- (5) The Agency may renew an active timeshare sales agent license to inactive status for the term prescribed in OAR 863-035-0050, when the Agency has received the following:
 - (a) The renewal fee authorized by ORS 696.270; and
 - (b) An online inactive renewal application.
- (6) The Agency may renew an inactive timeshare sales agent license to inactive status for the term prescribed in OAR 863-035-0050, when the Agency has received the following:
 - (a) The renewal fee authorized by ORS 696.270; and
 - (b) An online inactive renewal application.
- (7) The Agency may renew an inactive timeshare sales agent license to active status for the term prescribed in OAR 863-035-0050, when the Agency has received the following:
 - (a) The renewal fee authorized by ORS 696.270;
 - (b) The online active renewal application; and
 - (c) The online license transfer application, available through the Agency's website, completed by the receiving principal broker per OAR 863-035-0090.

(8) The Agency may renew an expired timeshare sales agent license to active status when the Agency receives, within one year of the date the license expired, the following:

(a) The renewal fee and a late fee authorized by ORS 696.270;

(b) An online active renewal; and

(c) An online license transfer application, available through the Agency's website, completed by the receiving principal broker under OAR 863-035-0090.

(9) The Agency may renew an expired timeshare sales agent license to inactive license status when the Agency receives, within one year of the date the license expired, the following:

(a) The renewal fee and a late fee authorized by ORS 696.270; and

(b) An online inactive renewal application.

(10) When the Agency renews an expired license, the renewed license is effective the date the renewal requirements are met. The renewal is not retroactive to the date the license expired and an expired license retains the status of expired during the expiration period.

(11) A license renewed under this rule expires two years from the date of the original expiration date.

(12) A timeshare sales agent license that has expired for more than one year is lapsed, as defined in ORS 696.010.

(13) A license may not be renewed if it is lapsed, surrendered, suspended, or revoked. Except as provided in OAR 863-035-0130, the former licensee must reapply and meet all the licensing qualifications required of new license applicants.

STATUTORY/OTHER AUTHORITY: ORS 696.385, ORS 696.022

STATUTES/OTHER IMPLEMENTED: HB 2373, 2025 Regular Session

ADOPT: 863-035-0080

RULE TITLE: Authorization for Armed Forces Servicemembers and Their Spouses or Domestic Partners

RULE SUMMARY: Establishes parameters for license portability related to military service.

RULE TEXT:

(1) An active-duty member of the United States Armed Forces who is stationed in this state, or the spouse or domestic partner of such servicemember, may obtain an authorization to conduct professional real estate activity as a timeshare sales agent upon completion of the requirements in (2) through (4) of this rule. Such authorization is valid until the earliest of the following:

(a) Two years from the date of issuance;

(b) The date the servicemember's term of active-duty service in this state is complete; or

(c) The date the applicant's license issued by another state expires or is no longer active.

(2) Upon submission of the application for authorization, the applicant must hold an active license of the same real estate license category in another U.S. state, and such license or certificate must have been active during the two years immediately preceding the move. The applicant must be in good standing in the state or states in which the applicant is currently licensed.

(3) To apply for authorization, the applicant must:

(a) Complete an application and pay the related fee as provided in OAR 863-035-0020(1).

(b) Submit a copy of their or their spouse's or domestic partner's military orders stationing the servicemember in Oregon.

(c) Furnish certification of active license history issued by the state or states where licensed as required in (2) of this rule.

(4) An applicant seeking authorization to engage in the selling or offering to sell timeshares as a timeshare sales agent must be associated with a managing principal broker as provided in OAR 863-035-0060.

(5) The authorization to conduct professional real estate activity as a timeshare sales agent may not be renewed on expiration. Previous holders of an authorization must reapply and fulfill the requirements of ORS 696.022 and OAR 863-035-0060 in order to conduct professional real estate activity in this state.

STATUTORY/OTHER AUTHORITY: ORS 696.385, ORS 696.022

STATUTES/OTHER IMPLEMENTED: 50 U.S.C. Section 4025a; Pub. L. 117-333

ADOPT: 863-035-0090

RULE TITLE: Timeshare Sales Agent Transfers, Managing Principal Brokers' Responsibilities, Authority to Use Registered Business Name

RULE SUMMARY: Rule establishes transfer process for timeshare licensee.

RULE TEXT:

(1) As used in this rule, "License transfer application" means an online application that does one of the following:

(a) Transfers a timeshare sales agent license to a receiving authorized principal broker in order to become associated with the managing principal broker, or

(b) Authorizes a timeshare sales agent to use a registered business name to engage in the selling or offering to sell timeshares.

(2) An online license transfer application, available through the Agency's website, includes:

(a) The name of the timeshare sales agent and license number of the licensee who is being transferred;

(b) The receiving authorized principal broker's name, license number, date, signature, and attestation authorizing the use of the registered business name.

(3) The authorized managing principal broker who supervises the timeshare sales agent remains responsible for the licensee's professional real estate activity until the Agency receives one of the following:

(a) An online inactivation application available through the Agency's website; or

(b) An online license transfer application and fee.

(4) If neither the timeshare sales agent nor the authorized principal broker who supervises the timeshare sales agent completes the online inactivation process, the authorized principal broker remains responsible for the timeshare sales agent's subsequent professional real estate activity until the Agency receives one of the following:

(a) An online inactivation application; or

(b) An online license transfer application and fee.

(5) The Agency will document the registered business name under which a timeshare sales agent is authorized to sell or offer to sell timeshares when the Agency receives an online license transfer application, or a new registered business name application, and the transfer fee authorized by ORS 696.270.

STATUTORY/OTHER AUTHORITY: ORS 696.385

STATUTES/OTHER IMPLEMENTED: HB 3137, 2025 Regular Session

ADOPT: 863-035-0100

RULE TITLE: Inactive License, Change License Status to Active, License Reactivation

RULE SUMMARY: New rule addressing inactive licenses, changing license status to active, and license reactivations.

RULE TEXT:

- (1) A timeshare sales agent whose license is on inactive status may not engage in professional real estate activity.
- (2) The Commissioner may reprimand, suspend, revoke, or impose a civil penalty against an inactive timeshare sales agent under ORS 696.301.
- (3) The Agency will change an active timeshare sales agent license to inactive license status when the Agency receives the following:
 - (a) An online inactivation application available through the Agency's website completed by the licensee to change the license status to inactive; or
 - (b) An online inactivation application available through the Agency's website completed by the licensee's authorized principal broker to change the license status of the licensee to inactive.
- (4) An inactive timeshare sales agent may be renewed under OAR 863-035-0070.
- (5) For a period of 30 days after a timeshare sales agent license becomes inactive, the licensee may change such license status from inactive to active and be transferred by an authorized principal broker under OAR 863-035-0090.
- (6) Except as provided in section (7) of this rule, for a period of 30 days after the timeshare sales agent license becomes inactive, the licensee may become licensed as an active timeshare sales agent only if:
 - (a) The licensee is qualified for such license and
 - (b) The licensee submits to the Agency:
 - (A) An Agency-approved application, and
 - (B) Payment of the fee authorized by ORS 696.270.
- (7) If a timeshare sales agent license has not been on active status for two or more consecutive years, the following steps must be completed in the order listed to reactivate the license:
 - (a) The licensee must pay a fee to the examination provider and take and pass a reactivation examination as required by OAR 863-035-0040.
 - (b) The licensee must submit an online reactivation application available through the Agency's website and pay the fee to the Agency required under ORS 696.270.

(8) After the 30-day period specified in sections (5) and (6) of this rule, and subject to the examination requirements in section (7) of this rule, the Agency will change the timeshare sales agent license status from inactive to active after receiving the following:

(a) An online application for license reactivation;

(b) Payment of the reactivation fee authorized by ORS 696.270; and

(c) An online license transfer application available through the Agency's website, completed by the receiving authorized principal broker per OAR 863-035-0090.

(9) The change of license status, transfer, or the reactivation of a license is effective when all requirements are met, applications are completed, and fees are paid.

STATUTORY/OTHER AUTHORITY: ORS 696.022

STATUTES/OTHER IMPLEMENTED: HB 2373, 2025 Regular Session

ADOPT: 863-035-0110

RULE TITLE: Licensee Name Change

RULE SUMMARY: New rule providing a process whereby a licensee may change their name as registered with the agency.

RULE TEXT:

A timeshare sales agent may apply for a name change by submitting to the Agency:

(1) An online name change application available through the Agency's website and payment of the fee authorized under ORS 696.270; and

(2) Legal proof of the name change, which must be in the form of an official record such as a marriage certificate, divorce certificate, or a court order/decreed.

STATUTORY/OTHER AUTHORITY: ORS 696.022

STATUTES/OTHER IMPLEMENTED: HB 2373, 2025 Regular Session

ADOPT: 863-035-0120

RULE TITLE: License Surrender

RULE SUMMARY: New rule addressing license surrender.

RULE TEXT:

(1) A timeshare sales agent may surrender their license to the commissioner on an Agency-approved form. Upon surrender, the license is terminated, and the timeshares sales agent's rights under the surrendered license are terminated. The commissioner retains continuing jurisdiction to investigate the professional real estate activity conducted under the license and to take disciplinary action against the former licensee under ORS Chapter 696 and its implementing rules.

(2) A surrendered license may not be renewed. The former licensee must reapply and meet all the licensing qualifications required of new license applicants.

STATUTORY/OTHER AUTHORITY: ORS 696.022

STATUTES/OTHER IMPLEMENTED: HB 2373, 2025 Regular Session

ADOPT: 863-035-0130

RULE TITLE: Reissuing Suspended License

RULE SUMMARY: New rule addressing reissuance of a suspended license.

RULE TEXT:

- (1) The Agency may reissue an unexpired real estate license that has been suspended by order of the Commissioner if the licensee makes a written request to the Agency that such license be reissued and pays the required fee within 30 days after the close of the suspension period.
- (2) If the licensee fails to act within 30 days, the license becomes inactive and may be reactivated only pursuant to OAR 863-035-0100.
- (3) If the license expires before the request for reissuance, the Agency will renew the license within the 30-day period only pursuant to OAR 863-035-0070.
- (4) A license reissued under this rule is effective for licensing purposes when the Agency receives all required forms and fees.
- (5) A suspended license may not be renewed.
- (6) If the license remains suspended and is not reissued and renewed under OAR 863-035-0070 within one year of expiration, the license has lapsed. To become licensed again, the former licensee must reapply and meet all of the licensing qualifications required of a new license applicant.

STATUTORY/OTHER AUTHORITY: ORS 696.022

STATUTES/OTHER IMPLEMENTED: HB 2373, 2025 Regular Session

