

APA-1

TRANSMITTAL SHEET FOR NOTICE  
OF INTENDED ACTION

Control: 790

Department or Agency: Alabama Real Estate Commission

Rule No.: 790-X-3-.16

Rule Title: Advertising

Intended Action New

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Vaughn T Poe  
Vaughn T Poe

Date

Thursday, September 12, 2024

REC'D & FILED  
SEP 12, 2024

LEGISLATIVE SVC AGENCY

ALABAMA REAL ESTATE COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Real Estate Commission

RULE NO. & TITLE: 790-X-3-.16 Advertising

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

This is a new rule that defines the word "prominently" in the context of advertising the name of the company or qualifying broker.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Comments can be presented at the public hearing scheduled at 9:00 a.m. on October 24, during the regularly scheduled Commission Meeting to be held at the The Research and Innovation Center, 540 Devall Drive, Auburn, Alabama 36849. Additionally, written comments may be addressed to Vaughn T. Poe, Executive Director, Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama 36106. Written comments must be received in the Commission office no later than 4:30 p.m. on November 4, 2024.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, November 4, 2024

CONTACT PERSON AT AGENCY:

Zack Burr, Alabama Real Estate  
Commission, 1201 Carmichael Way,  
Montgomery, Alabama 36106  
(334) 242-5544

*Vaughn T Poe*

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Vaughn T Poe

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

**790-X-3-.16      Advertising.**

Code of Alabama, 1975 § 34-27-36(a)(15) requires a salesperson or associate broker to display the name of the qualifying broker or company "prominently" in any advertising promoting the salesperson or qualifying broker as a real estate agent. The word "prominently" as used in that statutory provision means use of a font size that is equal to or larger in size than any other text or logo in the advertisement and situated and sized for the purpose of gaining the attention of consumers viewing the advertising.

**Author:** Alabama Real Estate Commission

**Statutory Authority:** Code of Ala., 1975, §§

**History: New Rule:** Published \_\_\_\_\_; effective \_\_\_\_\_.