

CHAPTER 70-02-03
LICENSEE RESPONSIBILITIES
70-02-03-02, 70-02-03-02.1 Advertising

70-02-03-02. Advertising. Repealed effective January 1, 1992.

70-02-03-02.1 Advertising

1. Definition: As used in this section, the terms “advertise”, “advertising”, and “advertisement” include all forms of representation, promotion, and solicitation disseminated in any manner and by any means of communication for any purpose related to real estate brokerage activity, including, at a minimum, advertising the sale or purchase of real estate or promotion of real estate brokerage services conducted by mail, telephone, the internet, the World Wide Web, electronic mail, electronic bulletin board, or other similar electronic common carrier systems, business cards, signs, television, radio, magazines, newspapers, and telephonic greetings or answering machine messages.
2. Trade Name. Advertising must be done in the real estate brokerage agency’s trade name as licensed with the commission and the trade name must be prominently displayed.
3. Contact information. Advertising must include information on how the public can contact the real estate brokerage agency.
4. Advertising by Licensees. Advertising by licensees must be under the supervision of the designated broker. Such advertising may include a licensee’s name and telephone number or other contact information, provided the real estate brokerage agency’s registered business name or trade name and contact information is also clearly included as required in this section.
5. Deception and Misrepresentation Prohibited. Advertising and promotion must be free from deception and shall not misrepresent the terms of the sale or purchase, real estate brokerage agency policies or real estate brokerage services.
6. A real estate broker may advertise, in the licensee’s own name, property which is owned by the licensee, provided that immediately following the licensee’s name where it appears in the advertisement, the words “Owner/Licensed Broker” must also appear. The provisions of this subsection apply both to active broker licensees and licensees whose license is on an inactive status.
7. A real estate salesperson may advertise in that person’s own name property which is owned by the salesperson, provided that immediately following the name where it appears in the advertisement, the words “Owner/Licensed Salesperson” must also appear. The provisions of this subsection apply both to active salesperson licensees and licensees whose license is on an inactive status.

History: Effective January 1, 1992; amended effective February 1, 2004; April 1, 2008.

General Authority:

NDCC 43-23-11.1(1)

Law Implemented:

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