

## Synopsis of Changes to the MRIS Rules and Regulations

From time to time the MRIS® Rules and Regulations are revised to reflect changes in NAR® policy, real estate regulations, or clarifications of the existing Rules and Regulations.

The following changes to the Rules and Regulations become effective on February 13, 2009: (Underlined verbiage in **Blue** indicates addition to the Rules and Regulations.)

### ARTICLE III – DEFINITIONS

#### Sec. 1. Definitions

- G. Participant – A Principal Broker Subscriber who is a member of the National Association of REALTORS.

#### Sec. 2. Eligibility

- D. Participation:** Any REALTOR® or Non-REALTORS® of this or any other Association/Board who is a principal, partner, corporate officer, or branch office manager acting on behalf of a principal, without further qualification, except as otherwise stipulated in these bylaws, shall be eligible to participate in Multiple Listing upon agreeing in writing to conform to the rules and regulations thereof and to pay the costs incidental thereto. However, under no circumstances is any individual or firm, regardless of membership status, entitled to Multiple Listing Service “membership” or “participation” unless they hold a current, valid real estate broker’s license and are capable of offering and accepting offer or accept compensation to and from other Principal Broker Subscribers and Participants or are licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property. Use of information developed by or published by a Association/Board Multiple Listing Service is strictly limited to the activities authorized under a Principal Broker Subscriber’s or Participant’s licensure(s) or certification and unauthorized uses are prohibited. Further, none of the foregoing is intended to convey “participation” or “membership” or any right of access to information developed by or published by an Association/Board Multiple Listing Service where access to such information is prohibited by law. (Amended 11/08)

Note: Mere possession of a broker's license is not sufficient to qualify for MLS participation. Rather, the requirement that an individual or firm 'offers or accepts cooperation and compensation' means that the Principal Broker Subscriber or Participant actively endeavors during the operation of its real estate business to list real property of the type listed on the MLS and/or to accept offers of cooperation and

compensation made by listing brokers or agents in the MLS. "Actively" means on a continual and on-going basis during the operation of the Principal Broker Subscriber or Participant's real estate business. The "actively" requirement is not intended to preclude MLS participation by a Principal Broker Subscriber Participant or potential Principal Broker Subscriber or Participant that operates a real estate business on a part time, seasonal, or similarly time-limited basis or that has its business interrupted by periods of relative inactivity occasioned by market conditions. Similarly, the requirement is not intended to deny MLS participation to a Principal Broker Subscriber or Participant or potential Principal Broker Subscriber or Participant who has not achieved a minimum number of transactions despite good faith efforts. Nor is it intended to permit an MLS to deny participation based on the level of service provided by the Principal Broker Subscriber or Participant or potential Principal Broker Subscriber or Participant as long as the level of service satisfies state law.

The key is that the Principal Broker Subscriber or Participant or potential Principal Broker Subscriber or Participant actively endeavors to make or accept offers of cooperation and compensation with respect to properties of the type that are listed on the MLS in which participation is sought. This requirement does not permit an MLS to deny participation to a Participant or potential Participant that operates a Virtual Office Website ("VOW") (including a VOW that the Principal Broker Subscriber or Participant uses to refer customers to other Participants) if the Principal Broker Subscriber or Participant or potential Principal Broker Subscriber or Participant actively endeavors to make or accept offers of cooperation and compensation. An MLS may evaluate whether a Principal Broker Subscriber or Participant or potential Principal Broker Subscriber or Participant "actively endeavors during the operation of its real estate business" to "offer or accept cooperation and compensation" only if the MLS has a reasonable basis to believe that the Principal Broker Subscriber or Participant or Potential Broker Subscriber or potential Participant is in fact not doing so. The membership requirement shall be applied on a nondiscriminatory manner to all Principal Broker Subscriber or Participants and Potential Broker Subscriber or potential Participants. (Adopted 11/08)

#### Article XXII- INTERNET POLICY

- Sec 18. Specific information on the MRIS VOW Policy and Regulations may be found in a separate document, which shall be deemed to be part of these Rules and Regulations.