**North Dakota Real Estate Commission**
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August 1, 2025 -- News from the N.D. Real Estate Commission

## License law, property transfer law changes effective August 1, 2025

Beginning August 1, 2025, the N.D. Real Estate Commission (NDREC) will implement law changes made by the N.D. Legislature that affect licensees and applicants.

Licensees -- these law changes require additional disclosures

- Wholesaling – any and all property -- Beginning August 1, 2025, licensees must disclose they are wholesaling any kind of real property -- not just residential real property.
  - The legislature removed references to "residential" real property in the section of license law regulating wholesaling, NDCC 43-23-24.
- Property condition disclosure – radon --
  Beginning August 1, 2025, licensees must take the following additional steps related to radon before executing an agreement to sell or transfer the property:
  1. Sellers must provide the buyers with a written disclosure of any knowledge the seller has of radon concentrations in the property.
  2. The seller or seller's agent must provide the buyer with a radon statement exactly as written in NDCC 47-10-02.2(2) here.
  3. The buyer must acknowledge receipt of this radon statement by signing a copy of the disclosure statement.
  4. If the seller has knowledge the property previously has undergone radon testing:
     1) the seller must provide the buyer a copy of radon test results reasonably available to or in the possession of the seller, and
     2) the seller must provide the buyer a copy of any evidence of mitigation.

  The N.D. Real Estate Commission's updated Property Condition Disclosure Form – with radon, is here.

Broker applicants -- this change allows broker license applicants to take the broker license exam before completing the broker pre-licensing course:

- Beginning August 1, 2025, broker applicants can take the broker licensing exam before completing the pre-licensure course.

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- Broker applicants still must complete the broker pre-licensure course before the Commission will issue applicants a broker license.
- License law already allows salesperson applicants to take the salesperson exam before completing the pre-licensure course.

Licensees -- these additions to the license law clarify the law on in- and out- of-state referrals:

- Add "refers" to list of licensed activity to clarify further the law that has been in place for many years requiring an active real estate license for referrals.
- Add language from administrative rule NDAC 70-02-03-03 to explain how brokers can share compensation with out-of-state brokers,
  - provided the out-of-state broker does not carry on any of the negotiations on behalf of the referred client or prospect in this state
    - either by physically entering the state or
    - by communicating with the broker electronically or through other means.

Changes language on renewals to a date that is "set by the commission" without triggering any renewal date changes.

- Licensees still will renew annually by November 15 of the current year for an on-time renewal, and still will have through January 15 of the next year to renew after paying late fees.
- Current administrative rules including NDAC 70-02-01-04 would need to be amended to change renewal dates.

The N.D. Legislature approved these changes to license law, NDCC 43-23, earlier this year by passing HB 1125, which is here. The Legislature also approved changes on radon disclosure in real property transfer law, NDCC 47-10, by passing SB 2204, which is here.

Check out realestatend.org for the complete current license law, and other information and updates here.

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