

1 **CENTRAL ARIZONA ASSOCIATION OF REALTORS® , INC.**
2 **THE RIM COUNTRY MULTIPLE LISTING SERVICE RULES AND REGULATIONS**

3 *Revised August 2024*
4

5 **SECTION 1. PREAMBLE**

6 The Central Arizona Association of REALTORS® Multiple Listing Service, herein referred to as The Rim Country Multiple
7 Listing Service, (MLS) is a service whereby Participants make blanket unilateral offers of cooperation to the other
8 Participants (acting either as buyers agents, or in other agency or nonagency capacities defined by law or both) and is a
9 service for the orderly correlation and dissemination of listing information among the Participants so that they may better
10 serve their clients and the public.

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12 **SERVICE AREA OF CENTRAL ARIZONA ASSOCIATION OF REALTORS® ASSOCIATION MULTIPLE**
13 **LISTING SERVICES**

14 Only listings of the designated types of property located within the jurisdiction service area of the MLS are required to be
15 submitted to the service. Listings of property located outside the MLS's jurisdiction service area will be accepted if
16 submitted voluntarily by a participant but cannot be required by the service. (Amended 11/17)
17

18 **COMPLIANCE**

19 Participants of the MLS agree upon signing the Participation Agreement to abide by these Rules and Regulations and
20 understand that violations are subject to penalties as outlined in Section 9 of these Rules and Regulations. Any listing taken
21 on an Exclusive Authorization Listing Contract to be filed with the Service is subject to the Rules and Regulations of the
22 Service upon signature of the sellers.
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24 **SECTION 2. DEFINITIONS**

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26 **2.1** Wherever the word "filed" or "delivered" is used herein, it refers to input in the computer system of the MLS.
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28 **2.2 THE RIM COUNTRY MULTIPLE LISTING SERVICE (RCMLS) DEFINED**

29 A multiple listing service is:

- 30
31 • a facility for the orderly correlation and dissemination of listing information so Participants
32 may better serve their clients and customers and the public
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34 • a means of enhancing cooperation among Participants
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36 • a means by which information is accumulated and disseminated to enable authorized
37 Participants to prepare appraisals, analyses, and other valuations of real property for bona fide
38 clients and customers a means by which Participants engaging in real estate appraisal
39 contribute to common databases (*Revised*) **M**

40 **2.3 DEFINITION OF MLS PARTICIPANT**

41 Where the term REALTOR® is used in this explanation of policy in connection with the word
42 member or the word Participant, it shall be construed to mean the REALTOR® principal or
43 principals, of this or any other association, or a firm comprised of REALTOR® principals
44 participating in a multiple listing service owned and operated by the board. Participatory rights
45 shall be held by an individual principal broker unless determined by the association or MLS to be
46 held by a firm. It shall not be construed to include individuals other than a principal or principals
47 who are REALTOR® members of this or any other association, or who are legally entitled to
48 participate without association membership. However, under no circumstances is any individual or
49 firm, regardless of membership status, entitled to MLS membership or participation unless they hold
50 a current, valid real estate broker's license and cooperate, or
51 are licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real
52 property. Cooperation is the obligation to share information on listed property and to make property
53 available to other brokers for showing to prospective purchasers and tenants when it is in the best
54 interests of their clients. Use of information developed by or published by an association multiple
55 listing service is strictly limited to the activities authorized under a Participant's licensure(s) or
56 certification and unauthorized uses are prohibited. Mere possession of a broker's license is not
57 sufficient to qualify for MLS participation. Rather, the requirement that an individual or firm
58 cooperates means that the Participant actively endeavors during the operation of its real estate
59 business to list real property of the type listed on the MLS, shares information on listed property,
60 and makes property available to other brokers for showing to prospective purchasers and tenants
61 when it is in the best interests of their clients, and to cooperate. "Actively" means on a continual
62 and ongoing basis during the operation of the Participant's real estate business. The "actively"
requirement is not intended to preclude MLS participation by a Participant or potential Participant

63 that operates a real estate business on a part-time, seasonal, or similarly time- limited basis or that
64 has its business interrupted by periods of relative inactivity occasioned by market conditions.
65 Similarly, the requirement is not intended to deny MLS participation to a Participant or potential
66 Participant who has not achieved a minimum number of transactions despite good faith efforts. Nor is
67 it intended to permit an MLS to deny participation based on the level of service provided by the
68 Participant or potential Participant as long as the level of service satisfies state law.
69 The key is that the Participant or potential Participant cooperates with respect to properties of the type
70 that are listed on the MLS in which participation is sought.
71 Cooperation is the obligation to share information on listed property and to make property available to
72 other brokers for showing to prospective purchasers and tenants when it is in the best interests of their
73 client(s). This requirement does not permit an MLS to deny participation to a Participant or potential
74 Participant that operates a “Virtual Office Website” (VOW) (including a VOW that the Participant uses
75 to refer customers to other Participants) if the Participant or potential Participant actively endeavors
76 to cooperate. An MLS may evaluate whether a Participant or potential Participant actively endeavors
77 during the operation of its real estate business to cooperate only if the MLS has a reasonable basis to
78 believe that the Participant or potential Participant is in fact not doing so. The membership requirement
79 shall be applied in a nondiscriminatory manner to all Participants and potential Participants. **M**

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81 **Categorization of MLS Services, Information, and Products (Policy Statement 7.57)**
82 **Core:** Core MLS information, services, and products are essential to the effective functioning of MLS,
83 as defined, and include: active listing information **M**

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85 **2.3.1 Association and MLS Compliance with National Association Policy**
86 **(Policy Statement 7.17)**
87 Those associations or multiple listing services found by the National Association to be operating
88 under bylaws or rules and regulations not consistent with mandatory policies of the National
89 Association are not entitled to errors and omissions insurance coverage and their charters are subject
90 to review and revocation. **I**

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92 **2.3.2 Purpose**
93 A multiple listing service is a means by which cooperation among Participants is enhanced; by
94 which information is accumulated and disseminated to enable authorized Participants to prepare
95 appraisals, analyses, and other valuations of real property for bona fide clients and customers; by
96 which Participants engaging in real estate appraisal contribute to common databases; and is a facility
97 for the orderly correlation and dissemination of listing information so Participants may better serve
98 their clients and the public. *(Amended)* **M**

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100 **2.3.3 RULES FOR ASSISTANTS**
101 Where the terms subscriber or user are used in connection with a multiple listing service owned or operated by an
102 association of REALTORS[®], they refer to non-principal brokers, sales licensees, and licensed and certified real estate
103 appraisers affiliated with an MLS participant and may also include a participant’s affiliated unlicensed administrative and
104 clerical staff, personal assistants, and individuals seeking licensure or certification as real estate appraisers provided that any
105 such individual is under the direct supervision of an MLS participant or the participant’s licensed designee. If such access is
106 available to unlicensed or uncertified individuals, their access is subject to the rules and regulations, the payment of
107 applicable fees and charges (if any), and the limitations and restrictions of state law. None of the foregoing shall diminish
108 the participant’s ultimate responsibility for ensuring compliance with the rules and regulations of the MLS by all individuals
109 affiliated with the participant.

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111 Under the Board of Choice, MLS participatory rights shall be available to any REALTOR[®] (principal) or any firm
112 comprised of REALTORS[®] (principals) irrespective of where they hold primary membership subject only to their agreement
113 to abide by any MLS rules or regulations; agreement to arbitrate with other participants; and payment of any MLS dues,
114 fees, and charges. Participatory rights granted under the Board of Choice do not confer voting privileges or eligibility for
115 office as an MLS committee member, officer, or director, except as granted at the discretion of the local board and/or MLS.

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117 The universal access to services component of the Board of Choice is to be interpreted as requiring that MLS participatory
118 rights be available to principals, or to firms comprised of principals, irrespective of where primary or secondary membership
119 is held.

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121 None of the foregoing shall be construed as requiring the MLS participatory right, under Board of Choice, where such rights
122 have been previously terminated by action of that association’s board of directors.

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124 **2.4 DEFINITIONS OF VARIOUS TYPES OF LISTING AGREEMENT**
125 Except where state law provides otherwise, the following terms shall be defined as follows when used in rules and
126 regulations of any multiple listing service owned or operated by an association of REALTORS[®].

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2.4.1 Exclusive Right to Sell Listing

A contractual agreement under which the listing broker becomes the agent of the seller(s) and the seller(s) agrees to pay a commission to the listing broker, regardless of whether the property is sold through the efforts of the listing broker, the seller(s), or anyone else; and a contractual agreement under which the listing broker becomes the agent of the seller(s) and the seller(s) agrees to pay a commission to the listing broker regardless of whether the property is sold through the efforts of the listing broker, the seller(s), or anyone else, except that the seller(s) may name one or more individuals or entities as exemptions in the listing agreement and if the property is sold to any exempted individual or entity, the seller(s) is not obligated to pay a commission to the listing broker.

2.4.2 Exclusive Agency Listing

A contractual agreement under which the listing broker becomes the agent of the seller(s) and the seller(s) agrees to pay a commission to the listing broker if the property is sold through the efforts of any real estate broker. If the property is sold solely through the efforts of the seller(s), the seller(s) is not obligated to pay a commission to the listing broker.

2.4.3 Open Listing

A contractual agreement under which the listing broker becomes the agent of the seller(s) and the seller(s) agrees to pay a commission to the listing broker only if the property is sold through the efforts of the listing broker.

2.4.4 Net Listing

A listing agreement in which the broker receives all monies in excess of the list price.

2.4.5 Limited Service Listing

"Limited service brokers" are licensed brokers who offer their sellers little or no property marketing services other than submitting the property listing to the multiple listing service ("MLS"). For this service, the broker receives a fee from the seller, which may be paid at the time of listing or at the time of the closing. The listing commonly also provides that the seller will pay a fee to any cooperating broker involved in the sale of the property. Because they do not offer the full range of services that a full-service broker would, they have been designated "limited service brokers." This characterization is not intended and should not be understood to demean or criticize this practice, but only to distinguish the practice from more traditional real estate services that might commonly be known as "full service" listings.

2.5 STATUS DEFINITIONS

2.5.1 Active – MLS listing status available for use with all property types and confirms the listed property is available for sale or lease, actively accepting offers, and available for showings during the timeframe in Active status.

2.5.2 Active with Contingency – Accepted contracts that may have a long term contingency (e.g. confirmation of employment, short sale or with written directions from the seller which must be provided to CAAR.) The seller may still consider other offers. This category shall not include contingencies for items such as financing and property inspections.

2.5.3 Contingent on Buyer Sale -- Accepted contract that is contingent on the buyer's sale of another home. The seller may still consider other offers. This category shall not include contingencies for items such as financing and property inspections.

2.5.4 Pending – Accepted contract that doesn't have any contingencies except those in the pre-printed portion of the contract; however, the seller will still consider other offers as backups to the accepted contract.

2.5.5 Temporarily off the market – Property will be removed from the Multiple Listing Service – all other terms and conditions of the listing agreement shall remain in effect through the listing term. Broker shall provide confirmation in writing from Seller to CAAR with confirmation.

2.5.6 Cancelled – Listing permanently being removed from the market.

2.5.7 Expired – Upon expiration date of listing agreement. (Refer to lines 797-800, 808-899).

2.6 PROPERTY DEFINITIONS

2.6.1 Site built - Home may have any number of foundation and construction styles. If any portion of the structure consists of a mobile or manufactured home, then it shall not be considered site built. Construction in accordance with local building codes at time of completion.

2.6.2 Manufactured Home – When any portion of the home is constructed on a steel chassis frame in a factory and constructed after June 15, 1976, and is transported to the site and installed. It may have one or more sections. The trailer

190 tongue, wheels and axles may be removed, but it is still considered a manufactured home. Home is built to HUD
191 specifications.

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193 2.6.3 Mobile Home – When any portion of the home is constructed in a factory on a steel chassis frame and constructed prior
194 to June 15, 1976, and transported to the site and installed. The trailer tongue, wheels and axles may be removed, but it is
195 still considered a mobile home. Home was not built to HUD specifications.

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197 2.6.4 Modular – Factory built building permanently attached to engineered concrete foundation and built to uniform
198 building code.

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200 2.6.5 Park Model - Or park trailer, means a structure built on a single chassis, mounted on wheels or originally mounted on
201 wheels and from which the wheels have been removed and designed to be connected to utilities necessary for operation of
202 installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty (320) square feet and not
203 more than four hundred (400) square feet when it is set up, except that it does not include fifth wheel trailers. A park model
204 is defined by A.R.S. § 33-2102 as a recreational vehicle and governed by the Arizona Recreational Vehicle Long-term
205 Rental Space Act. * “Park Model” applies to the original structure and is applicable even with additions to the property.

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207 2.6.6 Mobile Home Park - means and is defined at A.R.S. § 33-1409 as a parcel of land with four or more rental
208 spaces for these kinds of homes.

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210 2.6.7 Time Share/Fractional Ownership – Homes with division of ownership or use of a resort unit on the basis of time
211 periods.

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213 2.6.8 Condominium – Patio Home – Townhouse - A “complex”, portions of which are designated for separate ownership and
214 the remainder of which may be designated for common ownership solely by the owners of the separate portions.

215 **2.7 DEFINITION OF “BEDROOM”**

216 Room with an emergency exit defined by the local governing authority and a privacy door.

217 **SECTION 3. MEMBERSHIP RIGHTS AND RESPONSIBILITIES**

218
219 **3.1** If a REALTOR® chooses to participate in the MLS, the REALTOR® is required to exchange information on the same
220 basis, according to the same rules and costs imposed on all who participate. REALTOR® participation is elective. In
221 instances where the participant is representing the potential purchaser as an agent, the participant cannot function
222 simultaneously as the subagent of the listing broker without buyer and seller consent; cannot accept compensation from the
223 listing broker without the express consent of all parties to the transaction; and must make their true position clearly known to
224 all interested parties at first contact.

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226 Listing participants or their representatives have the right to participate in the presentation of any counter-offer made by a
227 seller or a lessor. They do not have the right to be present at any discussion or evaluation of a counter-offer by the purchaser
228 or lessee (except where the cooperating broker is a sub-agent). However, if a purchaser or lessee gives written instructions to
229 the cooperating broker that the listing broker may not be present when a counter-offer is presented, the listing broker has a
230 right to a copy of those instructions.

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232 Arbitration facilities of the Central Arizona Association of REALTORS®, may be invoked by a nonmember participant in
233 the multiple listing service, who can also be compelled to arbitrate using the association’s facilities.

234
235 MLS participants are entitled to electronic access to the MLS members database, subject to payment of applicable fees and
236 charges.

237 **3.2 Participation**

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239 Any REALTOR® of this or any other association who is a principal, partner, corporate officer, or
240 branch office manager acting on behalf of a principal, without further qualification, except as
241 otherwise stipulated in these bylaws, shall be eligible to participate in multiple listing upon agreeing
242 in writing to conform to the rules and regulations thereof and to pay the costs incidental thereto.*
243 However, under no circumstances is any individual or firm, regardless of membership status,
244 entitled to multiple listing service membership or participation unless they hold a current, valid
245 real estate broker’s license and cooperate, or are licensed or certified by an appropriate state
246 regulatory agency to engage in the appraisal of real property.** Cooperation is the obligation to
247 share information on listed property and to make property available to other brokers for showing to
248 prospective purchasers and tenants when it is in the best interests of their clients. Use of information
249 developed by or published by an association multiple listing service is strictly limited to the activities
250 authorized under a Participant’s licensure(s) or certification and unauthorized uses are prohibited.
251 Further, none of the foregoing is intended to convey participation or membership or any right

254 of access to information developed by or published by an association multiple listing service where
255 access to such information is prohibited by law. *(Amended)*

256
257 **Establishing Nonmember Participatory Rights (Open MLS)*** A nonmember applicant for
258 MLS participation who is a principal, partner, corporate officer, or branch office manager acting on
259 behalf of a principal, shall supply evidence satisfactory to the membership committee that he has no
260 record of recent or pending bankruptcy; has no record of official sanctions involving unprofessional
261 conduct; agrees to complete a course of instruction (if any) covering the MLS rules and regulations
262 and computer training related to MLS information entry and retrieval, and shall pass such
263 reasonable and non-discriminatory written examination thereon as may be required by the MLS;
264 and shall agree that if elected as a Participant, he will abide by such rules and regulations and pay
265 the MLS fees and dues, including the nonmember differential (if any), as from time to time
266 established. Under no circumstances is any individual or firm entitled to MLS participation or
267 membership unless they hold a current, valid real estate broker's license and cooperate or are
268 licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real
269 property. Cooperation is the obligation to share information on listed property and to make property
270 available to other brokers for showing to prospective purchasers and tenants when it is in the best
271 interests of their clients. Use of information developed by or published by an association multiple
272 listing service is strictly limited to the activities authorized under a Participant's licensure(s) or
273 certification and unauthorized uses are prohibited. Further, none of the foregoing is intended to
274 convey participation or membership or any right of access to information developed by or
275 published by an association multiple listing service where access to such information is prohibited
276 by law. *(Amended)*

277
278 *Only adopt the following paragraph if the association's MLS is open to nonmember Participants
279 (otherwise qualified individuals who do not hold REALTOR® membership anywhere).

280 Mere possession of a broker's license is not sufficient to qualify for MLS participation. Rather, the
281 requirement that an individual or firm offers or cooperate means that the Participant actively
282 endeavors during the operation of its real estate business to list real property of the type listed on the
283 MLS, share information on listed property and make property available to other brokers for
284 showing to prospective purchasers and tenants when it is in the best interests of their client(s).
285 "Actively" means on a continual and ongoing basis during the operation of the Participant's real estate
286 business. The "actively" requirement is not intended to preclude MLS participation by a Participant or
287 potential Participant that operates a real estate business on a part-time, seasonal, or similarly time-
288 limited basis or that has its business interrupted by periods of relative inactivity occasioned by market
289 conditions. Similarly, the requirement is not intended to deny MLS participation to a Participant or
290 potential Participant who has not achieved a minimum number of transactions despite good faith
291 efforts. Nor is it intended to permit an MLS to deny participation based on the level of service
292 provided by the Participant or potential Participant as long as the level of service satisfies state law.
293 *(Adopted 11/08)*

294 The key is that the Participant or potential Participant cooperate with respect to properties of the type
295 that are listed on the MLS in which participation is sought.

296 Cooperation is the obligation to share information on listed property and to make property available to
297 other brokers for showing to prospective purchasers and tenants when it is in the best interests of their
298 clients. This requirement does not permit an MLS to deny participation to a Participant or potential
299 Participant that operates a "Virtual Office Website" (VOW) (including a VOW that the Participant uses
300 to refer customers to other Participants) if the Participant or potential Participant actively endeavors to
301 cooperate. An MLS may evaluate whether a Participant or potential Participant actively endeavors
302 during the operation of its real estate business to cooperate only if the MLS has a reasonable basis to
303 believe that the Participant or potential Participant is in fact not doing so. The membership requirement
304 shall be applied in a nondiscriminatory manner to all Participants and potential Participants. **M**

306 3.2 MLS ANTITRUST COMPLIANCE POLICY

307 The purpose of multiple listing is the orderly correlation and dissemination of listing information to participants so they may
308 better serve the buying and selling public. The Central Arizona Association of REALTORS® and The Rim Country
309 Multiple Listing Service shall not enact or enforce any rule which restricts, limits, or interferes with participants in their
310 relations with each other, in their broker/client relationships, or in the conduct of their business in the following areas.

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312 Boards and associations of REALTORS® and their MLSs shall not:

313 1. Fix, control, recommend, or suggest the commissions or fees charged for real estate brokerage services.

- 315 2. Fix, control, recommend, or suggest the cooperative compensation offered by listing brokers to potential cooperating
316 brokers.
317
318 3. Base dues, fees, or charges on commissions, listed prices, or sales prices. Initial participation fees and charges should
319 directly relate to the costs incurred in bringing services to new participants.
320
321 4. Modify, or attempt to modify, the terms of any listing agreement; this does not prohibit administrative corrections of
322 property information necessary to ensure accuracy or consistency in MLS compilations.
323
324 5. Refuse to include any listing in an MLS compilation solely on the basis of the listed price.
325

326 **6. Inclusion of Exclusive Agency Listings in MLS Compilations and Databases (Policy**
327 **Statement 7.41)**

328 Multiple listing services shall not establish or maintain any rule or policy prohibiting inclusion of
329 exclusive agency listings that would be otherwise acceptable for inclusion in the compilation of
330 current listing information.

331 **Explanation:** This policy shall not be construed as requiring Participants to accept exclusive agency
332 listings if they determine acceptance is not in their best interest or the best interest of clients or
333 customers. However, this policy does preclude collective agreements between Participants affiliated
334 with different firms or others to refuse to accept exclusive agency listings. This policy contemplates
335 multiple listing services will clearly distinguish between exclusive right-to-sell and exclusive
336 agency listings in multiple listing compilations and databases to prevent confusion about the rights
337 and obligations of brokers who cooperate in the sale of such listings. *(Amended)* **M**
338

339 7. Prohibit or discourage participants from taking “office exclusive” listings; certification may be required from the seller or
340 listing broker that the listing is being withheld from the MLS at the direction of the seller.
341

342 8. Give participants or subscribers blanket authority to deal with or negotiate with buyers or sellers exclusively represented
343 by other participants. **Interpretation 10*
344

345 9. Establish, or permit establishment of, any representational or contractual relationship between an MLS and sellers, buyers,
346 landlords, or tenants.
347

348 10. Prohibit or discourage cooperation between participants and brokers that do not participate in the MLS.
349

350 11. Prohibit or discourage participants or subscribers from participating in political activities. **Interpretation 15*
351

352 12. Interfere in or restrict participants in their relationships with their affiliated licensees. **Interpretation 16 and 17*
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354 As used in this policy, “rule” includes all rules, regulations, bylaws, policies, procedures, practices, guidelines, or other
355 governance provisions, whether mandatory or not.
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357 These policy prohibitions are subject to and limited by applicable statutes, ordinances, and governmental regulations, to
358 agreements entered into by the MLS or Central Arizona Association of REALTORS® and an agency of government, and to
359 final decrees of courts or administrative agencies.
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361 **The numbered references refer to the official interpretations of Article I, Section 2 of the bylaws of the NATIONAL*
362 *ASSOCIATION OF REALTORS®.*
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364 **3.3 SERVICES ADVERTISED AS “FREE”**

365 MLS participants and subscribers must not represent that their brokerage services to a client or customer are free or available
366 at no cost to their clients, unless the participant or subscriber will receive no financial compensation from any source for
367 those services. **M**
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369 **SECTION 4. STRUCTURE**
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371 **4.1 ADMINISTRATION**
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373 **4.2 TRADEMARK AND LOGO LAW**
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375 **4.2.1 NATURE OF SERVICE MARK AND NECESSITY TO EFFECT LICENSE AGREEMENT TO USE**

376 The NATIONAL ASSOCIATION OF REALTORS® has approved for use by chartered associations of REALTORS® and
377 their members, a standard multiple listing service mark. However, the standard service mark may not be used without a
378 license from the NATIONAL ASSOCIATION OF REALTORS®. Such license will be granted only to those associations of

379 REALTORS® that own and/or control the multiple listing activity and only to such associations the governing documents of
380 which have been approved as being in compliance with multiple listing policy of the National Association. Further, the
381 design must not be used as a lapel pin or any type of jewelry.
382

383 **4.2.2 SPECIAL NOTE CONCERNING MLS SERVICE MARK**

384 The NATIONAL ASSOCIATION OF REALTORS® grants no variation of the design of the standard MLS service mark.
385 Further, the National Association will not review and authorize any multiple listing service insignia other than its own
386 service mark. Further, the term REALTOR® may not, in any instance, be used in connection with any multiple listing
387 service not owned and/or controlled by an association of REALTORS®.
388

389 **4.2.3 USE OF MLS LOGO BY NONMEMBER PARTICIPANTS**

390 In any state where law requires that brokers (principals) who are not REALTORS® be admitted to the multiple listing
391 service of an association of REALTORS®, or in any association which has voluntarily opened its MLS to nonmember
392 brokers and/or appraisers, the official registered multiple listing service logo of the National Association should not be used
393 by such a non-association member. Such use would be a misrepresentation and would violate the registration rights of the
394 NATIONAL ASSOCIATION OF REALTORS®, the lawful owner of said collective service mark. Where such non-
395 association member advertises that he is a member of the multiple listing service of an association of REALTORS®, the
396 multiple listing service may properly require that such participant of the service additionally indicate in his advertisement
397 that he is not a member of the association of REALTORS®.
398

399 **4.3 PROHIBITIONS**

400 **4.3.1 INFORMATION FOR PARTICIPANTS ONLY**

401 Any listing filed with the Service shall not be made available to any broker or firm not a Member of the MLS without the
402 prior consent of the listing broker.
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404 **4.3.2 ‘FOR SALE’ SIGNS**

405 Only the “For Sale” signs of the listing broker may be placed on a property.
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408 **4.3.3 “SOLD” SIGNS**

409 Prior to closing, only the “Sold” sign of the listing broker may be placed on a property, unless the listing broker authorizes
410 the cooperating (selling) broker to post such a sign.
411

412 **4.3.4 SOLICITATION OF LISTING FILED WITH THE SERVICE**

413 Participants shall not solicit a listing on property filed with the Service unless such solicitation is consistent with Article 16
414 of the REALTORS® Code of Ethics, its Standards of Practice and its Case Interpretations.
415

416 **4.3.5 USE OF THE TERM MLS AND MULTIPLE LISTING SERVICE**

417 No MLS participant, subscriber or licensee affiliated with any participant shall, through the name of their firm, their URLs,
418 their e-mail addresses, their website addresses, or in any other way represent, suggest, or imply that the individual or firm is
419 an MLS, or that they operate an MLS. Participants, subscribers and licensees affiliated with participants shall not represent,
420 suggest, or imply that consumers or others have direct access to MLS databases, or that consumers or others are able to
421 search MLS databases available only to participants and subscribers. This does not prohibit participants and subscribers
422 from representing that any information they are authorized under MLS rules to provide to clients or customers is available
423 on their websites or otherwise.
424

425 **4.3.6 MLS Participation by Brokers Acting as Agents of Potential Purchasers (Policy 426 Statement 7.40)**

427 No association or association MLS may make or maintain a rule which would preclude an
428 individual or firm, otherwise qualified, from participating in an association MLS solely on the basis
429 that the individual or firm functions, to any degree, as the agent of potential purchasers under a
430 contract between the individual (or firm) and the prospective purchaser (client). However, in
431 instances where the Participant is representing the potential purchaser as an
432 agent, the Participant cannot function simultaneously as the subagent of the listing broker without
433 buyer and seller’s consent or as provided by state law; and must make his true position clearly known to
434 all interested parties at first contact. *(Amended)* **M**
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436 **4.4 SERVICE FEE AND CHARGES**

437 **4.4.1 SERVICE CHARGES**

438 The following services charges for operation of the multiple listing service are in effect to defray the costs of the service
439 and are subject to change from time to time in the manner prescribed:
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442 **Initial Participation Fee:** An applicant for participation in the service shall pay an application fee of \$50.00 with such fee
443 to accompany the application.
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445 **Note:** The initial participation fee shall approximate the cost of bringing the service to the participant.
446

447 **Recurring Participation Fee:** The quarterly participation fee of each participant shall be an amount equal to \$120.00
448 times each salesperson and licensed or certified appraiser who has access to and use of the service, whether licensed as
449 a broker, sales licensee, or licensed or certified appraiser who is employed by or affiliated as an independent contractor
450 with such participant. Payment of such fees shall be made on or before the first day of the quarter of the multiple listing
451 service. Fees shall be prorated on a monthly basis.
452

453 However, MLSs must provide participants with the option of a no-cost waiver of MLS fees, dues, and charges for any
454 licensee or licensed or certified appraiser who can demonstrate subscription to a different MLS or CIE where the principal
455 broker participates. MLSs may, at their discretion, require that broker participants sign a certification for nonuse of its
456 MLS services by their licensees, which can include penalties and termination of the waiver if violated. * (Adopted 11/17)
457 (Adopted 6/2019)

458 * Mandatory waiver provision is effective no later than July 1, 2018.
459

460 The following service charges for operation of the Multiple Listing Service are in effect to defray the costs of the Service
461 and are subject to change from time to time in the manner prescribed. Service fees and charges may include but shall not be
462 limited to Initial Participation Fee, Recurring Participation Fee, Listing Fee, New Salesperson Fee, and Transfer/Change
463 Fee.
464

465 **4.5 MEETINGS**

466 **4.5.1 MEETINGS OF THE MLS COMMITTEE**

467 The Multiple Listing Service Committee shall meet for the transaction of its business at a time and place to be determined by
468 the Committee or at the call of the Chairperson.
469

470 **4.5.2 MEETINGS OF MLS PARTICIPANTS**

471 The Committee may call meetings of the Participants in the Service to be known as meetings of the Multiple Listing Service.
472

473 **4.5.3 CONDUCT OF THE MEETINGS**

474 The Chairperson, or Vice Chairperson, shall preside at all meetings or, in their absence a temporary Chairperson from the
475 membership of the Committee shall be named by the Chairperson or, upon their failure to do so, by the Committee.
476

477 **SECTION 5 LISTINGS**

478 **5.1 LISTING PROCEDURES**

479 Listings of real or personal property of the following types, which are listed subject to a real estate broker's license, located
480 within the territorial jurisdiction of the Board of REALTORS® taken by Participants on Exclusive Authorization And Right
481 To Sell Listing Contract and Exclusive Agency Contracts shall be delivered along with the "Listing Data Form" to the MLS
482 within 72 hours after all necessary signatures of seller(s) and listing broker have been obtained. If available, each property
483 listed with the MLS shall be listed with its correct 911 address. Only properties that are zoned for both commercial and
484 residential use may be entered into the MLS more than once. Property may not be listed more than once in any category at
485 the same time, with the exception of lot and home combinations.
486

- 487
488
489 (a) Residential
490 (b) Land
491 (c) Multi-Family (d) Commercial
492 (e) Rental
493

494 Vacation Rentals are restricted, must be a term of 90 days or more.
495

496 **Acceptable Forms:** The Multiple Listing Service shall make available access to electronically generated Listing Data Forms.
497

498 The MLS shall not require a Participant to submit the listing on a form other than the form the Participant individually
499 chooses to utilize provided the listing is of a type accepted by the service, although the "Listing Data Form" may be required
500 as approved by the MLS. However, the MLS, through its legal counsel:
501

- 502 1. May reserve the right to refuse to accept a listing form which fails to adequately protect the interest of the public and the
503 Participants.
- 504 2. Assure that no listing form filed with the MLS established, directly or indirectly, any contractual relationship between the
505 MLS and the client (buyer or seller).

506
507 The MLS shall accept exclusive right to sell listing contracts and exclusive agency listing contracts and may accept other
508 forms of agreement which make it possible for the listing broker to cooperate with other Participants of the MLS acting as
509 subagents, buyer agents, or both.

510
511 The Listing Agreement must include the seller's written authorization to submit the agreement to the MLS. The different
512 types of listing agreement accepted by the CAAR are:

513 The exclusive right-to-sell listing is the form of listing where the seller authorizes exclusive
514 authorization to the listing broker to cooperate with other brokers in the sale of the property.
515 *(Amended)*

516 The exclusive agency listing also authorizes the listing broker as exclusive agent, to cooperate
517 with other brokers in the sale of the property, but also reserves to the seller the general right to sell
518 the property on an unlimited or restrictive basis.

519 Exclusive agency listings and exclusive right-to-sell listings with named prospects exempt should
520 be clearly distinguished by a simple designation such as a code or symbol from exclusive right-to-
521 sell listings with no named prospects exempt, since they can present special risks of procuring
522 cause controversies and administrative problems not posed by exclusive right-to- sell listings with
523 no named prospects exempt. Care should be exercised to ensure that different codes or symbols are
524 used to denote exclusive agency and exclusive right-to-sell listings with prospect reservations.
525 *(Amended 4/92)*

526
527 The service may not accept net listings because they are deemed unethical and, in most states,
528 illegal.

529 Open listings are not accepted, except where required by law, because the inherent nature of an
530 open listing Cooperation is the obligation to share information on listed property and to make
531 property available to other brokers for showing to prospective purchasers and tenants when it is in
532 the best interests of their clients.

533
534 A multiple listing service may, as a matter of local option, accept exclusively listed property
535 that is subject to auction. If such listings do not show a listed price, they may be included in a
536 separate section of the MLS compilation of current listings. **M**

537 538 **5.1.1 CLEAR COOPERATION**

539 Within one (1) business day of marketing a property to the public, the listing broker must submit the listing to the MLS for
540 cooperation with other MLS participants. Public marketing includes, but is not limited to, flyers displayed in windows, yard
541 signs, digital marketing on public facing websites, brokerage website displays (including IDX and VOW), digital
542 communications marketing (email blasts), multi-brokerage listing sharing networks, and applications available to the general
543 public. (Adopted 11/19)

544 545 **5.2 LISTING SUBJECT TO RULES AND REGULATIONS OF THE SERVICE**

546 Any listing taken on a contract to be filed with the MLS is subject to the Rules and Regulations of the Service upon
547 signature of the seller.

548 549 **5.3 DETAIL ON LISTINGS FILED WITH THE SERVICE**

550 A Listing Agreement or Property Data Form, when filed with the MLS by the listing broker, shall be complete and accurate
551 in every detail which is ascertainable as specified on the Property Data Form. The MLS listing must show the current
552 owner of the property unless written documentation from the Seller is provided stating that the ownership information is not
553 to be published.

554
555 The Broker is responsible for the input of his listing from the field. At random, the MLS may request a copy of the Listing
556 Contract and the Property Data Form from the Broker to ensure compliance with the Rules and Regulations. A copy of the
557 Forms must be given to the MLS within two business days of request.

558 559 **5.3.1 ACCURACY OF LISTING DATA**

560 Participants and subscribers are required to submit accurate listing data and required to correct any known errors. (Adopted
561 11/20) **M**

562 563 **5.4 EXEMPTED LISTINGS**

564 If the seller refuses to permit the listing to be disseminated by the Service, the REALTOR® may then take the listing
565 ("Office Exclusive") and such listing shall be kept in the Broker's file at his office. The listing should be accompanied by a
566 certification signed by the seller that he does not desire the listing to be disseminated by the Service. In the event the Seller

567 requests an “office exclusive” listing be added to the MLS compilation, the listing shall be accompanied by a certification
568 signed by the Seller that he does desire the listing to be disseminated by the service. MLS Participants must distribute
569 exempt listings within (1) business day once the listing is publicly marketed. See Section 5.1.1, Clear Cooperation.
570

571 Change of Status of Listing - Any change in listed price or other change in the original listing agreement shall be made only
572 when authorized in writing by the seller and shall be filed with the Service within twenty-four (24) hours (excepting
573 weekends, holidays, and postal holidays) after the authorized change is received by the listing broker.
574

575 **5.5 WITHDRAWN OR CANCELLED LISTING PRIOR TO EXPIRATION**

576 Listings of property may be withdrawn or cancelled from the MLS by the listing broker before the expiration date of the
577 listing agreement as defined in 2.5.4. Sellers do not have the unilateral right to require an MLS to withdraw a listing without
578 the listing broker’s concurrence.
579

580 **5.6 CONTINGENCIES APPLICABLE TO LISTINGS**

581 Any contingencies or conditions of any listing shall be specified and noticed to the Participant’s in the REALTOR® remarks
582 section.
583

584 **5.7 LISTING PRICE SPECIFIED**

585 The full gross listing price stated in the listing contract will be included in the information published in the MLS compilation
586 of current listings unless the property is subject to auction and no listed price is specified in the agreement. The listing price
587 is for real estate only. Personal property (i.e., club memberships, furnishings and vehicles) shall not be included in the list
588 price.
589

590 **5.8 LISTING MULTIPLE UNIT PROPERTIES**

591 All properties which are to be sold or which may be sold separately must be indicated individually in the listing and on the
592 Property Data Form. When part of the listed property has been sold, proper notification should be given to the MLS.
593

594 **No Control of Commission Rates or Fees Charged by Participants**

595 The multiple listing service shall not fix, control, recommend, suggest, or maintain commission rates or
596 fees for services to be rendered by participants. Further, the multiple listing service shall not fix,
597 control, recommend, suggest, or maintain the division of commissions or fees between cooperating
598 participants or between participants and nonparticipants. **M**
599

600 **5.10 EXPIRATION, EXTENSION, AND RENEWAL OF LISTINGS**

601 Listings placed in the MLS will automatically be removed from the compilation of current listings on the expiration date
602 specified in the agreement unless prior to that date the MLS receives notice that the listing has been extended or renewed.
603

604
605 If notice of renewal or extension is received after the listing has been removed from the compilation of current listings, the
606 extension or renewal will be published in the same manner as a new listing if 30 days or more have passed. Extensions and
607 renewals of listings must be signed by the seller(s) and filed with the Service.
608

609 **5.11 TERMINATION DATE ON LISTINGS**

610 Listings filed with the Service shall bear a termination date as negotiated between the listing broker and the seller.
611

612 **5.12 JURISDICTION**

613 Only listings of the designated types of property located within the jurisdiction of the MLS are required to be submitted to
614 the Service. Listings of property located outside the MLS’s jurisdiction will be accepted but cannot be required by the
615 Service.
616

617 **5.13 LISTINGS OF SUSPENDED PARTICIPANTS**

618 When a participant of the service is suspended from the MLS for failing to abide by a membership duty (i.e., violation of the
619 Code of Ethics, association bylaws, MLS bylaws, MLS rules and regulations, or other membership obligations except failure
620 to pay appropriate dues, fees, or charges), all listings currently filed with the MLS by the suspended participant shall, at the
621 participant’s option, be retained in the service until sold, withdrawn or expired, and shall not be renewed or extended by the
622 MLS beyond the termination date of the listing agreement in effect when the suspension became effective. If a participant
623 has been suspended from the association (except where MLS participation without association membership is permitted by
624 law) or MLS (or both) for failure to pay appropriate dues, fees, or charges, an association MLS is not obligated to provide
625 MLS services, including continued inclusion of the suspended participant’s listings in the MLS compilation of current listing
626 information. Prior to any removal of a suspended participant’s listings from the MLS, the suspended participant should be
627 advised, in writing, of the intended removal so that the suspended participant may advise his clients.
628

629 **5.14 LISTINGS OF EXPELLED PARTICIPANTS**

630 When a participant of the service is expelled from the MLS for failing to abide by a membership duty (i.e., violation of the
631 Code of Ethics, association bylaws, MLS bylaws, MLS rules and regulations, or other membership obligations except failure
632 to pay appropriate dues, fees, or charges), all listings currently filed with the MLS by the expelled participant shall, at the
633 participant's option, be retained in the service until sold, withdrawn, or expired, and shall not be renewed or extended by the
634 MLS beyond the termination date of the listing agreement in effect when the expulsion became effective. If a participant has
635 been expelled from the association (except where MLS participation without association membership is permitted by law) or
636 MLS (or both) for failure to pay appropriate dues, fees, or charges, an association MLS is not obligated to provide MLS
637 services, including continued inclusion of the expelled participant's listings in the MLS compilation of current listing
638 information. Prior to any removal of an expelled participant's listings from the MLS, the expelled participant should be
639 advised, in writing, of the intended removal so that the expelled participant may advise his clients.

640

641 **5.15 LISTINGS OF RESIGNED PARTICIPANTS**

642 When a Participant resigns from the MLS, the MLS is not obligated to provide services, including continued inclusion of the
643 resigned Participant's listings in the MLS compilation of current listing information.

644

645 **5.16 PROTECTION CLAUSES IN ASSOCIATION MLS STANDARD LISTING CONTRACTS**

646 The Broker protection period contained in the MLS Listing form shall not contain any specific time period therein but shall
647 contain a blank space to indicate that the time period of such protection period is negotiable between the property owner and
648 the listing broker.

649

650 **5.17 PHOTOGRAPHS, RENDERINGS, FLOOR PLANS**

651 At a minimum, PRIMARY photo must be input with all listings in order for the listing to be active, except where sellers
652 expressly direct that photographs of their property not appear in MLS compilations. All photographs, floor plans and
653 renderings that appear in the MLS system for a listed property shall be a picture of either the exterior or interior of that listed
654 property, a view of the surrounding area from that listed property, or a view of specific community amenities associated with
655 the Homeowners Association of that listed property. At least one of the photographs provided must be of the subject's
656 property. (amended July 2014)

657

658 Photographs, floor plans or renderings, will not include people or text (e.g. agent, broker, real estate brokerage names,
659 images or logos, phone numbers, facsimile numbers, e-mail addresses, hyperlink(s), HTML coding or any likenesses thereof
660 of any kind.) Unless prior permission is given, an agent may not copy or use for any purpose a photograph, floor plan or
661 rendering from another agent's listing.

662

663 CAAR shall have the right to immediately delete any photograph, floor plan or rendering that is not in compliance with this
664 rule.

665

666 **5.18 VIRTUAL / VIDEO TOURS**

667 The MLS System includes a feature that allows the listing agent to include a virtual or video tour for a listed property. A
668 virtual or video tour for the listed property shall be a view of either the exterior or interior of that listed property, a view of
669 the surrounding area from that listed property or a view of specific community amenities associated with the Homeowners
670 Association of that listed property.

671

672 An agent may not copy and use for any purpose a virtual or video tour from another agent's listing. Any virtual or video
673 tour that is not in compliance with this rule shall be a violation of the rules and shall be handled in accordance with MLS
674 Rules. In addition, CAAR shall have the right to delete any virtual tours that are not in compliance with this rule.

675

676

677 **5.19 DAYS ON MARKET**

678 A minimum of 30 days must expire before a property that has been taken off of the market for any reason, can be re-listed
679 without reflecting the cumulative days on market, unless the property has been relisted by a different brokerage. It is a
680 flagrant violation of the Rules and Regulations for multiple listing(s) for a property to be canceled and re-listed or altered in
681 any way for the purpose of eliminating or falsifying the cumulative number of days on market.

682

683 Any listing that is not in compliance with this rule shall be a violation of the MLS Rules and shall be handled by the MLS in
684 accordance with MLS Rules. In addition, CAAR shall have the right to immediately demand copies of the listing(s) as they
685 deem necessary to ascertain if a violation has been committed.

686

687 **5.20 PROPERTY ADDRESSES**

688 At the time of filing a listing, participants and subscribers must include a property address available to other participants and
689 subscribers, and if an address doesn't exist a parcel identification number can be used. Where an address or parcel
690 identification number are unavailable, the information filed with the MLS must include a legal description of the property
691 sufficient to describe its location. (Adopted 3/22) M

692

693 **5.22 CO-LISTING ARRANGEMENTS** Any language advertising or promoting a co- listing arrangement with a non-MLS
694 Participant or non-MLS Subscriber, who is a Real Estate licensee, is prohibited from inclusion anywhere in the listing. This
695 includes all fields and attachments. Multiple listing services are only for the benefit of MLS Subscribers.

696 **SECTION 6 SELLING PROCEDURES**

699 **6.1 SHOWINGS AND NEGOTIATIONS**

700 Appointments for showings and negotiations with the seller for the purchase of listed property filed with the Multiple
701 Listing Service shall be conducted through the listing broker except under the following circumstances:

- 702
703 (a) the listing broker gives the cooperating broker specific authority to show and/or negotiate directly, or
704 (b) after reasonable effort, the cooperating broker cannot contact the listing broker or his representative. However, the
705 listing broker, at his option, may preclude such direct negotiations by cooperating brokers.

706 **6.2 PRESENTATION OF OFFERS**

707 The listing broker must make arrangements to present the offer as soon as possible or give the cooperating broker a
708 satisfactory reason for not doing so.

710 **6.3 SUBMISSION OF WRITTEN OFFERS AND COUNTER-OFFERS**

711 The listing broker shall submit to the seller all written offers until closing unless precluded by law, government rules,
712 regulation, or agreed otherwise in writing between the seller and the listing broker. Unless the subsequent offer is
713 contingent upon the termination of an existing contract, the listing broker shall recommend that the seller obtain the advice
714 of legal counsel prior to acceptance of the subsequent offer.

716 **6.4 RIGHT OF COOPERATING BROKER IN PRESENTATION OF OFFER**

717 Cooperating participants or their representatives have the right to participate in the presentation of any offer they secure to
718 purchase or lease to the seller or lessor. They do not have the right to be present at any discussion or evaluation of the offer
719 by the seller or lessor and the listing broker. However, if a seller or lessor gives written instructions to a listing broker that
720 cooperating brokers may not be present when offers they procure are presented, cooperating brokers have the right to a copy
721 of those instructions. This policy is not intended to affect listing brokers' right to control the establishment of appointments
722 for presentation of offers.

723 Where the cooperating broker is not present during the presentation of the offer, the cooperating broker can request in
724 writing and the listing broker must provide, as soon as practical, written affirmation stating that the offer has been submitted
725 to the seller, or written notification that the seller has waived the obligation to have the offer presented. (Adopted 11/2019)

728 **6.4.1 RIGHT OF LISTING BROKER IN PRESENTATION OF COUNTER-OFFER**

729 The listing broker or his representative has the right to participate in the presentation of any counter-offer made by the seller
730 or lessor. He does not have the right to be present at any discussion or evaluation of a counter-offer by the purchaser or
731 lessee (except when the cooperating broker is a subagent). However, if the purchaser or lessee gives written instructions to
732 the cooperating broker that the listing broker not be present when a counter- offer is presented, the listing broker has the
733 right to a copy of the purchaser's or lessee's written instructions.

735 **6.5 REPORTING OF SALES TO THE SERVICE**

736 Status changes, including final closing of sales and sales prices, shall be reported to the multiple listing service by the listing
737 broker within 72 hours after they have occurred. If negotiations were carried on under Section 6.1 a. or b. hereof, the
738 cooperating broker shall report accepted offers and prices to the listing broker within 72 hours after occurrence and the
739 listing broker shall report them to the MLS within 72 hours after receiving notice from the cooperating broker.

742 **6.6 REPORTING RESOLUTIONS OF CONTINGENCIES**

743 The listing broker shall report to the multiple listing service within twenty-four (24) hours that a contingency on file with the
744 multiple listing service has been fulfilled or renewed, or the agreement cancelled.

746 **6.7 ADVERTISING OF LISTING FILED WITH THE SERVICE**

747 A listing shall not be advertised by any Participant, other than the listing broker, without the prior consent of the listing
748 broker.

749 **6.8 REPORTING CANCELLATION OF PENDING SALE**

750 The listing broker shall report within 72 hours to the MLS the cancellation of any pending sale and the listing shall be
751 reinstated immediately.

752 **6.9 DISCLOSING THE EXISTENCE OF OFFERS**

755 Listing brokers, in response to inquiries from buyers or cooperating brokers shall, with the seller's approval, disclose the
756 existence of offers on the property. Where disclosure is authorized, the listing broker shall also disclose whether offers were
757 obtained by the listing licensee, by another licensee in the listing firm, or by a cooperating broker.
758

759 **6.10 AVAILABILITY OF LISTED PROPERTY**

760 Listing Participant/Subscriber shall not misrepresent the availability of access to show any listed property. Except for
761 Auction listings, all Active status listings FWA (Filed With Association) must be available for showings throughout the
762 listing's timeframe in Active status. If property is not available for showings for more than a 24-hour period, listing may not
763 remain in "Active" status. Appointments to show a property that is FWA, including showings where access to the property is
764 gained by use of a lockbox, shall be conducted through the Listing Participant or as indicated in the MLS listing. Tenant
765 occupied listed properties are not excluded from the showing rules, but the list agent may require a minimum of 48-hour
766 notice, as per the Arizona Residential Landlord & Tenant Act, before a showing.
767

768 **6.11 REFUSAL TO SELL**

769 If the seller of any listed property filed with the MLS refuses to accept a written offer satisfying the terms and conditions
770 stated in the listing, such fact shall be communicated to the Service and to all Participants by amending the remarks section
771 of that listing in the MLS.
772

773 SECTION 7 Compensation Notice (Policy Statement 7.39)

774 It is recommended that MLSs publish the following notice to their general membership at least
775 annually.

776 *Compensation Notice*

- 777 1. *A broker's compensation and fees for services are*
778 *not set by law and are fully negotiable.*
- 779 2. *A broker's compensation for services rendered to a seller or for services rendered to a*
780 *buyer is solely a matter of negotiation between the broker and their client, and is not fixed,*
781 *controlled, recommended, or maintained by any persons not a party to the brokerage*
782 *service agreement.*
- 783 3. *The compensation paid by a listing broker to a cooperating broker in respect to any listing*
784 *is established by the listing broker and is not fixed, controlled, recommended, or*
785 *maintained by any persons other than the listing broker. (Amended*

786 *(Amended) M*

787 **7.1 Non-filtering of Listings (Policy Statement 8.5)**

789 MLS Participants and Subscribers must not, and MLSs must not enable the ability to, filter out or
790 restrict MLS listings that are communicated to customers or clients based on the existence or level
791 of compensation offered to the cooperating broker or the name of a brokerage or agent.
792 *(Amended)M*

793 **7.2 No Compensation Offers in MLS**

795 The MLS must not accept listings containing an offer of compensation in the MLS to other MLS
796 Participants and Subscribers. Further, the MLS may not create, facilitate, or support any non-MLS
797 mechanism (including by providing listing information to an internet aggregator's website for
798 such purpose) for Participants, Subscribers, or sellers to make offers of compensation to buyer
799 brokers or other buyer representatives. Use of MLS data or data feeds to directly or indirectly
800 establish or maintain a platform of offers of compensation from multiple brokers to buyer brokers
801 or other buyer representatives is prohibited and must result in the MLS terminating that
802 Participant's access to any MLS data and data feeds.

803 The multiple listing service must not have a rule requiring the listing broker to disclose the
804 amount of total negotiated commission in his listing contract, and the multiple listing service
805 shall not publish the total negotiated commission on a listing which has been submitted to the
806 MLS by a participant. The multiple listing service must prohibit disclosing in any way the
807 total commission negotiated between the seller and the listing broker, or total broker
808 compensation (i.e. combined compensation to both listing brokers and buyer brokers).

809 The multiple listing service must not have a rule requiring the listing broker to disclose the
810 amount of total negotiated commission in his listing contract, and the multiple listing service
811 shall not publish the total negotiated commission on a listing which has been submitted to the
812 MLS by a participant. The multiple listing service must prohibit disclosing in any way the
813 total commission negotiated between the seller and the listing broker, or total broker
814 compensation (i.e. combined compensation to both listing brokers).

815 **Note 1:** Multiple listing services must give Participants the ability to disclose to other Participants
816 any potential for a short sale. As used in MLS rules, short sales are defined as a transaction where

817 title transfers, where the sales price is insufficient to pay the total of all liens and costs of sale, and
818 where the seller does not bring sufficient liquid assets to the closing to cure all deficiencies.
819 Multiple listing services may, as a matter of local discretion, require Participants to disclose short
820 sales when Participants know a transaction is a potential short sale. *(Amended)* **M**

822 **7.3 Required Consumer Disclosure**

823 **Disclosure of Compensation:** MLS Participants and Subscribers must:

- 824 1. Disclose to prospective sellers and buyers that broker compensation is not set by law and is
825 fully negotiable. This must be included in conspicuous language as part of any listing
826 agreement, buyer written agreement, and pre-closing disclosure documents (if any).
- 827 2. Conspicuously disclose in writing to sellers, and obtain the seller's authority, for any
828 payments or offer of payment that the listing Participant or seller will make to another
829 broker, agent, or other representative (e.g. real estate attorney) acting for buyers. This
830 disclosure must include the amount or rate of any such payment and be made in writing in
831 advance of any payment or agreement to pay. **M**

832 **No Compensation Specified on MLS Listings**

833 Participants, Subscribers, or their sellers may not make offers of compensation to buyer brokers and
834 other buyer representatives in the MLS. Use of MLS data or data feeds to directly or indirectly
835 establish or maintain a platform to make offers of compensation from multiple brokers to buyer
836 brokers or other buyer representatives is prohibited and must result in the MLS terminating that
837 Participant's access to any MLS data and data feeds.

838 **Note 1:** The multiple listing service must not have a rule requiring the listing broker to disclose the
839 amount of total negotiated commission in his listing contract, and the multiple listing service shall
840 not publish the total negotiated commission on a listing which has been submitted to the MLS by a
841 participant. The multiple listing service must prohibit disclosing in any way the total commission
842 negotiated between the seller and the listing broker, or total broker compensation (i.e. combined
843 compensation to both listing brokers and buyer brokers).

844 **Note 2:** The multiple listing service shall make no rule on the division of commissions between
845 Participants and non-Participants. This should remain solely the responsibility of the listing broker.

846 **Note 3:** Multiple listing services must give Participants the ability to disclose to other Participants
847 any potential for a short sale. As used in these rules, short sales are defined as a transaction where
848 title transfers, where the sale price is insufficient to pay the total of all liens and costs of sale and
849 where the seller does not bring sufficient liquid assets to the closing to cure all deficiencies. Multiple
850 listing services may, as a matter of local discretion, require Participants to disclose potential short
851 sales when Participants know a transaction is a potential short sale. *(Amended)* **M**

852 **Disclosures of Compensation: MLS Participants and Subscribers must**

- 853 1. Disclose to prospective sellers and buyers that broker compensation is not set by law
854 and is fully negotiable. This must be included in conspicuous language as part of any
855 listing agreement, buyer written agreement, and pre-closing disclosure documents (if
856 any).
- 857 2. Conspicuously disclose in writing to sellers, and obtain the seller's authority, for any
858 payments or offer of payment that the listing Participant or seller will make to another
859 broker, agent, or other representative (e.g. real estate attorney) acting for buyers. This
860 disclosure must include the amount or rate of any such payment and be made in writing in
861 advance of any payment or agreement to pay. **M**

863 **7.4 Written Buyer Agreements Required**

864 Unless it is inconsistent with state or federal law or regulation, all MLS Participants working with a
865 buyer must enter into a written agreement with the buyer prior to touring a home.

866 The written agreement must include:

- 867 a. a specific and conspicuous disclosure of the amount or rate of compensation the Participant
868 will receive or how this amount will be determined, to the extent that the Participant will
869 receive compensation from any source.
- 870 b. the amount of compensation in a manner that is objectively ascertainable and not
871 open-ended.
- 872 c. a term that prohibits the Participant from receiving compensation for brokerage services
873 from any source that exceeds the amount or rate agreed to in the agreement with the
874 buyer; and a conspicuous statement that broker fees and commissions are not set by law
875 and are fully negotiable. **M**

876 Standard 16.15 On unlisted property, MLS Participants acting as buyer/tenant representatives or
877 brokers shall disclose that relationship to the seller/landlord at first contact for that buyer/tenant
878 and shall provide written confirmation of such disclosure to the seller/landlord not later than execution

879 of any purchase or lease agreement. (Amended)O

880

881 **7.5 DISCLOSING POTENTIAL SHORT SALES**

882 Participants must disclose potential short sales (defined as a transaction where title transfers, where the sale price is
883 insufficient to pay the total of all liens and costs of sale and where the seller does not bring sufficient liquid assets to
884 the closing to cure all deficiencies) when reasonably known to the listing participants.

885

886 Where participants communicate to other participants how any reduction in the gross commission established in the
887 listing contract required by the lender as a condition of approving the sale will be apportioned between the listing and
888 cooperating participants, listing participants shall disclose to cooperating participants in writing the total reduction in
889 the gross commission and the amount by which the compensation payable to the cooperating broker will be reduced
890 within 24 hours of receipt of notification from the lender.

891

892 **7.6 PARTICIPANT AS PRINCIPAL**

893 If a Participant or any licensee (or licensed or certified appraiser) affiliated with a Participant has any interest in property,
894 the listing of which is to be disseminated through the MLS, that person shall disclose that interest when the listing is filed
895 with the MLS and such information shall be disseminated to all MLS Participants.

896

897 **7.7 PARTICIPANT AS PURCHASER**

898 If a Participant or any licensee (including licensed and certified appraisers) affiliated with a Participant wishes to acquire an
899 interest in property listed with another Participant, such contemplated interest shall be disclosed in writing to the listing
900 broker not later than the time an offer to purchase is submitted to the listing broker.

901

902 **SECTION 8 KEYSAFE (LOCKBOX) RULES & REGULATIONS**

903 No listing broker need use a lock box on a property. Nothing shall prevent the owner's right to refuse to have a lock box on
904 his property. If the seller authorizes the use of a lock box other than the MLS approved CAAR Keybox System (which are
905 loaned at no charge through CAAR), the property will be required to have both the MLS approved CAAR Keybox System
906 or other MLS approved lockbox system in addition to any make/model authorized by the seller(s). The purpose of this
907 requirement is to ensure participants have timely access to listed properties. The MLS may require that the devices be
908 submitted in advance for approval, and the access device may be any lock box or other access device that provides
909 reasonable, timely access to the listed property. The MLS also may revoke the approval and/or subject the participant to
910 discipline if the device is used in a manner that fails to continue to satisfy this requirement. All lockboxes must be removed
911 within 2 days of closing or expiring.

912

913 **8.1 LOCKBOX/KEYSAFE READING POLICY**

914 (a) Homes With a Robbery: The listing office shall cooperate in providing showing records of keysafe to the proper
915 authorities. The information will be forwarded to the police department and NOT released to the listing agent.

916

917 (b) Missing House Keys: The listing agent shall review the showing records to obtain the name of the last agent(s) to enter
918 the property and will have the responsibility of tracking down the missing keys.

919

920 **8.2** Before a keysafe is placed on a property the MLS Participant shall obtain written authorization from the property
921 owners. Nothing shall prevent the owner's right to refuse to have a keysafe on their property.

922

923 **8.3** Failure to secure property or to replace property keys into a keybox may be subject to a fine.

924

925 **8.4** A call to the listing office should be made before showing the property to:

926

927 (a) Disclose their agency status, if applicable.

928 (b) Insure, that a vacant house does not have new tenants in it.

929 (c) Insure, that the residents will not be disturbed or inconvenienced.

930

931 Only after the listing office has confirmed that the property can be shown at the requested time may the selling agent
932 proceed to the property.

933

934 **8.5 REMOVING KEYS FROM THE LISTED PROPERTY.** Only the owner of the Lockbox may remove the keys from
935 a listed property unless the Lockbox owner grants permission to another Subscriber to do so. If the Lockbox placed on a
936 property is borrowed from another Subscriber, the authorized Listing Subscriber may grant permission to another Subscriber
937 to remove the keys from the listed property.

938

939 If an agent showing the property opens a keysafe and discovers that the house keys are missing, he/she should contact the
940 listing agent/office to report the missing keys immediately.

941

942 **8.6** Those Broker/Agents who don't have a programmer key wishing to show a listed property with a keysafe on it will have
943 to make an appointment with the listing broker to show the property or obtain showing instructions.
944

945 **8.7 TIMELY REMOVAL OF LOCKBOX.** A LOCKBOX MUST BE REMOVED FROM THE PROPERTY WITHIN
946 TWO (2) Days after the date that the Listing status is changed to sold, leased, cancelled, or expired.
947

948 **SECTION 9 COMPLIANCE WITH RULES – AUTHORITY TO IMPOSE DISCIPLINE**

949 By becoming and remaining a Participant or Subscriber, each Participant and Subscriber agrees to be subject to these Rules
950 and any other MLS governance provisions. The MLS may, through the administrative and hearing procedures established in
951 these Rules, impose discipline for violations of these Rules and/or any other MLS governance provisions. Discipline that
952 may be imposed may only consist of one or more of the following:
953

- 954 (a) Letter of warning
- 955 (b) Letter of reprimand
- 956 (c) Listing may be moved to “withdrawn” status where the participant has refused or failed to timely report status changes.
957 Prior to removal of any listing from the MLS, the participant shall be advised of the intended removal so the participant
958 can advise his or her client(s).
- 959 (d) Attendance at MLS orientation or other appropriate courses or seminars which the Participant or Subscriber can
960 reasonably attend taking into consideration cost, location, and duration.
- 961 (e) Appropriate, reasonable fine not to exceed \$15,000.
- 962 (f) Suspension of MLS rights, privileges and services for not less than thirty (30) days or more than one (1) year
- 963 (g) Termination of MLS rights, privileges and services with no right to reapply for a specified period not to exceed three
964 (3) years.
965

966 **Note 1:** A participant (or user/subscriber, where appropriate) can be placed on probation. Probation is not a form of
967 discipline. When a participant (or user/subscriber, where appropriate) is placed on probation the discipline is held in
968 abeyance for a stipulated period of time not longer than one (1) year. Any subsequent finding of a violation of the MLS
969 rules during the probationary period may, at the discretion of the Board of Directors, result in the imposition of the
970 suspended discipline. Absent any subsequent findings of a violation during the probationary period, both the probationary
971 status and the suspended discipline are considered fulfilled, and the individual's record will reflect the fulfillment. The fact
972 that one or more forms of discipline are held in abeyance during the probationary period does not bar imposition of other
973 forms of discipline which will not be held in abeyance.
974

975 **Note 2:** MLS participants and subscribers can receive no more than three (3) administrative sanctions in a calendar year
976 before they are required to attend a hearing for their actions and potential violations of MLS rules, except that the MLS may
977 allow more administrative sanctions for violations of listing information provided by participants and subscribers before
978 requiring a hearing. The MLS must send a copy of all administrative sanctions against a subscriber to the subscriber's
979 participant and the participant is required to attend the hearing of a subscriber who has received more than three (3)
980 administrative sanctions within a calendar year. (Adopted 11/20) **M**
981

982 **9.1 MLS FEES AND CHARGES**

983 The Board of Directors (BOD) is responsible for establishing fees and charges for services that are provided by the MLS.
984 The BOD is also responsible for establishing fines or other penalties that shall be imposed for violations of these Rules. The
985 schedule of fines shall be adopted as Policy and may be amended from time to time as approved by the BOD. Fees and fines
986 shall be published on the CAAR website and in such other forms as the BOD may direct.
987

988 **9.2 PENALTIES FOR VIOLATIONS OF THESE RULES**

989 The Policies that govern the application of fines or penalties for violations of these rules are contained in the RCMLS
990 Penalty Policy. A copy of this Policy can be found on the CAAR website. If two or more violations exist with respect to a
991 single Listing and these violations are identified at the same time, the violations shall be noticed and handled together.
992

993 **9.3 COMPLAINTS OF UNAUTHORIZED USE OF LISTING CONTENT**

994 Any participant who believes another participant has engaged in the unauthorized use or display of listing content, including
995 photographs, images, audio or video recordings and virtual tours, shall send notice of such alleged unauthorized use to the
996 MLS. Such notice shall be in writing, specifically identify, the allegedly unauthorized content, and be delivered to MLS not
997 more than sixty (60) days after the alleged misuse was first identified. No participant may pursue action over the alleged
998 unauthorized use and display of listing content in a court of law without first completing the notice and response procedures
999 outlined in this Section 9.3 of the MLS rules.
1000

1001 Upon receiving a notice, the committee (Board of Directors) will send the notice to the participant who is accused of
1002 unauthorized use. Within ten (10) days from receipt. The participant must either: 1) remove the allegedly unauthorized
1003 content, or 2) provide proof to the committee (Board of Directors) that the use is authorized. Any proof submitted will be
1004 considered by the Committee (Board of Directors) and a decision of whether it establishes authority to use the listing content
1005 will be made within thirty (30) days.

1006
1007 If the Committee (Board of Directors) determines that the use of the content was unauthorized, the Committee (Board of
1008 Directors) may issue a sanction pursuant to Section 9 of the MLS rules, including a request to remove and/or stop the use of
1009 the unauthorized content within then (10) days after transmittal of the decision. If the unauthorized use stems from a
1010 violation of the MLS rules, that too will be considered at the time of establishing an appropriate sanction.
1011

1012 If after ten (10) days following transmittal of the Committee's (Board of Director's) determination the alleged violation
1013 remains uncured (i.e., the content is not removed or the rules violation remains uncured), then the complaining party may
1014 seek action through a court of law. (Adopted 6/2019)
1015

1016 **9.4 MLS RULES VIOLATIONS**

1017 MLS participants may not take legal action against another participant for alleged rules violation(s) unless the complaining
1018 participant has first exhausted the remedies provided in these rules. (Adopted 6/2019)
1019

1020 **9.5 COMPLIANCE WITH RULES**

1021 The following actions may be taken by MLS or the CAAR for failure to comply with these Rules:

- 1022 (a) For failure to pay any service charge, fine or fee on or before the specified date due, and provided that said failure
1023 continues thereafter for at least ten (10) days after notice has been given, the Subscriber's MLS service may be
1024 suspended until all service charges, fees and fines are paid in full and any identified errors are corrected.
1025

1026 **9.6 APPLICABILITY OF RULES TO SUBSCRIBERS**

1027 Non-principal brokers, salespersons, appraisers, and others authorized as Subscribers hereunder to access the MLS
1028 Compilation are subject to these Rules and may be disciplined for violations thereof provided that each such applicable
1029 Subscriber has executed, either by signature or by electronic means, an agreement acknowledging that access to and use of
1030 the MLS is contingent on compliance with the Rules. This provision does not eliminate the Participant's ultimate
1031 responsibility and accountability for Subscribers who are affiliated with the Participant.
1032
1033

1034 **9.7 NOTICES**

1035 Notices of violations and applicable fines associated with those violations shall be delivered according to the procedures
1036 defined in the MLS Penalty Policy as adopted by the BOD and amended from time to time. Subscribers shall be responsible
1037 for maintaining current contact information, including mailing and e-mail addresses with MLS and with the CAAR. Any
1038 notices required or permitted by these Rules to be sent by MLS may be sent by either of the following two methods.
1039

- 1040 (a) By e-mail to either the e-mail address on file in the MLS Roster Database or via internal e-mail delivery through the
1041 MLS system. Electronic messages are instantaneous. Therefore, Notice shall be deemed to have been constructively
1042 delivered at the time the e-mail message is sent to the recipient.
1043
- 1044 (b) By U.S. Postal Service (USPS) mail to a postal address on file for a Subscriber or Participant at the postal address
1045 shown for the Participant's office in the MLS Roster Database. Notice shall be deemed to have been constructively
1046 delivered two (2) USPS Service Days after being deposited in the USPS system for delivery.
1047

1048 **9.8 CONSIDERATION OF ALLEGED VIOLATIONS**

1049 The committee (Board of Directors) shall give consideration to all written complaints having to do with violations of the
1050 rules and regulations. By becoming and remaining a participant, each participant agrees to be subject to these rules and
1051 regulations, the enforcement of which are at the sole discretion of the Committee (Board of Directors). (Adopted 6/2019)
1052

1053 When requested by a complainant, the MLS will process a complaint without revealing the complainant's identity. If a
1054 complaint is subsequently forwarded to a hearing, and the original complainant does not consent to participating in the
1055 process, the MLS will appoint a representative to serve as the complainant. (Amended 11/20) M
1056

1057 **SECTION 9.9 VIOLATIONS OF RULES AND REGULATIONS**

1058 If the alleged offense is a violation of the rules and regulations of the service and does not involve a charge of alleged unethical
1059 conduct or request for arbitration, it may be administratively considered and determined by the multiple listing service
1060 committee, and if a violation is determined, the committee may direct the imposition of sanction, provided the recipient of
1061 such sanction may request a hearing before the professional standards committee of the Arizona Association of REALTORS®
1062 in accordance with the bylaws and rules and regulations of the Central Arizona Association of REALTORS® within twenty (20)
1063 days following receipt of the committee's decision.
1064

1065 If rather than conducting an administrative review, the multiple listing committee has a procedure established to conduct
1066 hearings, the decision of the multiple listing committee may be appealed to the board of directors of the Arizona Association
1067 of REALTORS® within twenty (20) days of the tribunal's decision being rendered. Alleged violations involving unethical
1068 conduct shall be referred to the Arizona Association of REALTORS® grievance committee for processing in accordance with

1069 the professional standards procedures of the association. If the charge alleges a refusal to arbitrate, such charge shall be
1070 referred directly to the board of directors of the Arizona Association of REALTORS®.

1071
1072 **SECTION 9.9a COMPLAINTS OF UNETHICAL CONDUCT**

1073 All other complaints of unethical conduct shall be referred by the board of directors to the secretary of the Arizona
1074 Association of REALTORS® for appropriate action in accordance with the professional standards procedures established in the
1075 association's bylaws. (Amended 11/88)

1076
1077 **SECTION 10 MLS INFORMATION**

1078
1079 **10.1 CONFIDENTIALITY OF MLS INFORMATION**

1080 Any information provided by the MLS to the Participants shall be considered official information of the Service. Such
1081 information shall be considered confidential and exclusively for the use of Participants and real estate licensees affiliated
1082 with such Participants and those Participants who are licensed or certified by an appropriate state regulatory agency to
1083 engage in the appraisal of real property and licensed or certified appraisers affiliated with such Participants.

1084
1085 **10.2 MLS NOT RESPONSIBLE FOR ACCURACY OF INFORMATION**

1086 The information published and disseminated by the Service is communicated verbatim, without change by the Service, as
1087 filed with the Service by the Participant. The Service does not verify such information provided and disclaims any
1088 responsibility for its accuracy. Each Participant agrees to hold the Service harmless against any liability arising from any
1089 inaccuracy or inadequacy of the information such Participant provides.

1090
1091 **10.3 ACCESS TO COMPARABLE AND STATISTICAL INFORMATION**

1092 Board Members who are actively engaged in real estate brokerage, management, appraising, land development, or building,
1093 but who do not participate in the MLS, are nonetheless entitled to receive all information other than current listing
1094 information that is generated wholly or in part by the MLS including 'comparable' information, 'sold' information, and
1095 statistical reports. This information is provided for the exclusive use of Board Members and individuals affiliated with
1096 Board Members who are also engaged in the real estate business and may not be transmitted, retransmitted or provided in
1097 any manner to any unauthorized individual, office or firm except as otherwise provided in these Rules and Regulations.

1098
1099 **10.4 INCLUSION OF EXPIRED OR WITHDRAWN LISTINGS IN AN ASSOCIATION'S COMPARABLE
1100 REPORT OR OTHER REPORT OF STATISTICAL INFORMATION**

1101 Any information concerning expired or withdrawn listings included in an association's comparable report or other report of
1102 statistical information shall be clearly indicated as expired or withdrawn so that the users of such information will be aware
1103 of the actual status of such listings.

1104
1105 **10.5 STATISTICAL REPORTS**

1106 MLSs may, as a matter of local determination, make statistical reports, sold information, and other informational reports
1107 derived from the MLS available to REALTORS® who do not participate in the MLS but who are engaged in real estate
1108 brokerage, management, appraising, land development, or building. Additional expenses incurred in providing such
1109 information to REALTORS® who do not participate in the MLS may be included in the price charged for such information.
1110 Any information provided may not be transmitted, retransmitted, or provided in any manner to any individual, office, or
1111 firm, except as otherwise authorized in the MLS rules and regulations.

1112
1113 MLSs may, as a matter of local determination, provide statistical reports, sold information, and other informational reports
1114 derived from the MLS to government agencies. MLSs may, as a matter of local discretion, require that such agencies (or
1115 representatives of such agencies) hold an appropriate form of membership in the MLS or in the association of
1116 REALTORS® as a condition of such access.

1117
1118 **10.6 OWNERSHIP OF MLS COMPILATIONS AND COPYRIGHTS**

1119
1120 **10.6.1** By the act of submission of any property listing content to the MLS, the Participant represents and warrants that he or
1121 she is fully authorized to license the property listing content as contemplated by and in compliance with this section and
1122 these rules and regulations, and also thereby does grant to the MLS license to include the property listing content in its
1123 copyrighted MLS compilation and also in any statistical report on comparables. Listing content includes, but is not limited
1124 to, photographs, images, graphics, audio and video recordings, virtual tours, drawings, descriptions, remarks, narratives,
1125 pricing information, and other details or information related to listed property.

1126
1127 Each participant who submits listing content to the MLS agrees to defend and hold the MLS and every other participant
1128 harmless from and against any liability or claim arising from any inaccuracy of the submitted listing content or any
1129 inadequacy of ownership, license, or title to the submitted listing content. (Adopted 6/2019)

1130
1131 **Note:** The Digital Millennium Copyright Act (DMCA) is a federal copyright law that enhances the penalties for
1132 copyright infringement occurring on the Internet. The law provides exemptions or "safe harbors" from

1133 copyright infringement liability for online service providers (OSP) that satisfy certain criteria. Courts
1134 construe the definition of “online service provider” broadly, which would likely include MLSs as well as
1135 participants and subscribers hosting an IDX display.

1136 One safe harbor limits the liability of an OSP that hosts a system, network or website on which Internet
1137 users may post user-generated content. If an OSP complies with the provisions of this DMCA safe
1138 harbor, it cannot be liable for copyright infringement if a user posts infringing material on its website.
1139 This protects an OSP from incurring significant sums in copyright infringement damages, as statutory
1140 damages are as high as \$150,000 per work. For this reason, it is highly recommended that MLSs,
1141 participants and subscribers comply with the DMCA safe harbor provisions discussed herein.
1142

1143 To qualify for this safe harbor, the OSP must:

- 1144 (1) Designate on its website and register with the Copyright Office an agent to receive takedown
1145 requests. The agent could be the MLS, participant, subscriber, or other individual or entity.
- 1146 (2) Develop and post a DMCA-compliant website policy that addresses repeat offenders.
- 1147 (3) Comply with the DMCA takedown procedure. If a copyright owner submits a takedown notice to the
1148 OSP, which alleges infringement of its copyright at a certain location, then the OSP must promptly
1149 remove allegedly infringing material. The alleged infringer may submit a counter-notice that the
1150 OSP must share with the copyright owner. If the copyright owner fails to initiate a copyright lawsuit
1151 within ten (10) days, then the OSP may restore the removed material.
- 1152 (4) Have no actual knowledge of any complained-of infringing activity.
- 1153 (5) Not be aware of facts or circumstances from which complained-of infringing activity is apparent.
- 1154 (6) Not receive a financial benefit attributable to complained-of infringing activity when the OSP is
1155 capable of controlling such activity.

1156 Full compliance with these DMCA safe harbor criteria will mitigate an OSP’s copyright infringement
1157 liability. For more information see 17 U.S.C. §512.
1158
1159

1160 *The term MLS compilation, as used in Sections 3, 5, 9 and 10 herein, shall be construed to include any format in
1161 which property listing data is collected and disseminated to the participants, including but not limited to bound
1162 book, loose-leaf binder, computer database, card file, or any other format whatsoever.

1163
1164 **10.6.2** All right, title, and interest in each copy of every Multiple Listing Compilation created and copyrighted by the Central
1165 Arizona Association of REALTORS® and in the copyrights therein, shall at all times remain vested in the Central Arizona
1166 Association of REALTORS®.
1167

1168 **10.6.3** Each participant shall be entitled to lease from the Central Arizona Association of REALTORS® a number of copies of
1169 each MLS compilation sufficient to provide the participant and each person affiliated as a licensee (including licensed or
1170 certified appraisers) with such participant with one copy of such compilation. The participant shall pay for each such copy
1171 the rental fee set by the association.
1172

1173 Participants shall acquire by such lease only the right to use the MLS compilation in accordance with these rules.
1174

1175 **10.7 USE OF COPYRIGHTED MLS COMPILATIONS**

1176 **10.7.1 DISTRIBUTION:**

1177 Use of information developed by or published by a Board MLS is strictly limited to the activities authorized under a
1178 Participant’s licensure(s) or certification and unauthorized users are prohibited. Further, none of the foregoing is intended to
1179 convey ‘Participation’ or ‘Membership’ or any right of access to information developed by or published by a Board MLS
1180 where access to such information is prohibited by law.
1181

1182 **10.7.2 DISPLAY:**

1183 Participants, and those persons affiliated as licensees with such Participants, shall be permitted to display the MLS
1184 Compilation to prospective purchasers only in conjunction with their ordinary business activities of attempting to locate
1185 ready, willing, and able buyers for the properties described in said MLS Compilation.
1186

1187 **10.7.3 COMPILATION OF CURRENT LISTING INFORMATION:**

1188 Any compilation of current listing information shall display the following notice in a conspicuous manner:
1189

1190 *“Notice to Association Members*

1191 Under the long-established policy of this association, the Arizona Association of REALTORS®, and the NATIONAL
1192 ASSOCIATION OF REALTORS®: 1. The broker’s compensation for services rendered in respect to any listing is solely a
1193 matter of negotiation between the broker and his or her client, and is not fixed, controlled, recommended, or maintained by
1194

1195 any persons not a party to the listing agreement. 2. The compensation paid by a listing broker to a cooperating broker in
1196 respect to any listing is established by the listing broker and is not fixed, controlled, recommended, or maintained by any
1197 person other than the listing broker.”

1198
1199 **10.7.4 REPRODUCTION**

1200 Participants or their affiliated licensees shall not reproduce any MLS Compilation or any portion thereof except in the
1201 following limited circumstances.

1202
1203 Participants or their affiliated licensees may reproduce from the MLS Compilation, and distribute to prospective purchasers,
1204 a reasonable number of single copies of property listing data contained in the MLS Compilation which relate to any
1205 properties in which the prospective purchasers are or may, in the judgment of the Participants or their affiliated licensees, be
1206 interested.

1207
1208 Nothing contained herein shall be construed to preclude any Participant from utilizing, displaying, distributing, or
1209 reproducing property listing sheets or other compilations of data pertaining exclusively to properties currently listed for sale
1210 with the Participant.

1211
1212 Any MLS information, whether provided in written or printed form, provided electronically, or provided in any other form
1213 or format, is provided for the exclusive use of the Participant and those licensees affiliated with the Participant who are
1214 authorized to have access to such information. Such information may not be transmitted or provided in any manner to any
1215 unauthorized individual, office or firm.

1216
1217 None of the foregoing shall be construed to prevent any individual legitimately in possession of current listing information,
1218 sold information, comparables, or statistical information from utilizing such information to support valuations on particular
1219 properties for clients and customers. Any MLS content in data feeds available to participants for real estate brokerage
1220 purposes must also be available to participants for valuation purposes, including automated valuations. MLSs must either
1221 permit use of existing data feeds, or create a separate data feed, to satisfy this requirement. MLSs may require execution of
1222 a third-party license agreement where deemed appropriate by the MLS. MLSs may require participants who will use such
1223 data feeds to pay the reasonably estimated costs incurred by the MLS in adding or enhancing its downloading capacity for
1224 this purpose. Information deemed confidential may not be used as supporting documentation. Any other use of such
1225 information is unauthorized and prohibited by these Rules and Regulations.

1226
1227 **10.8 USE OF MLS INFORMATION**

1228
1229 **10.8.1 LIMITATIONS ON USE OF MLS INFORMATION**

1230 Information from MLS compilations of current listing information, from statistical reports, and from any sold or comparable
1231 report of the association or MLS may be used by MLS participants as the basis for aggregated demonstrations of market
1232 share or comparisons of firms in public mass-media advertising or in other public representations. This authority does not
1233 convey the right to include in any such advertising or representation information about specific properties which are
1234 listed with other participants, or which were sold by other participants (as either listing or cooperating broker). However,
1235 any print or non-print forms of advertising or other forms of public representations based in whole or in part on information
1236 supplied by the association or its MLS must clearly demonstrate the period of time over which such claims are based and
1237 must include the following, or substantially similar, notice:

1238 “Based on information from the Rim Country MLS for the period (date) through (date).”

1239
1240 **10.8.2 CHANGES IN RULES AND REGULATIONS**

1241 Amendments to the rules and regulations of the service shall be, by a 51% vote of the members of the MLS committee,
1242 subject to approval by the board of directors of the association of REALTORS®.

1243
1244 **10.8.3 ORIENTATION**

1245 Any applicant for MLS participation and any licensee (including licensed or certified appraisers) affiliated with an MLS
1246 participant who has access to and use of MLS-generated information shall complete an orientation program of 3 classroom
1247 hours devoted to the MLS rules and regulations and computer training related to MLS information entry and retrieval and
1248 the operation of the MLS within ninety (90) days after access has been provided.

1249
1250 Participants and subscribers may be required, at the discretion of the MLS, to complete additional training of not more than
1251 four (4) classroom hours in any twelve (12) month period when deemed necessary by the MLS to familiarize participants
1252 and subscribers with system changes or enhancements and/or changes to MLS rules or policies. Participants and subscribers
1253 must be given the opportunity to complete any mandated additional training remotely.

1254
1255 **10.9 ONE DATA SOURCE**

1256 MLSs must offer a participant a single data feed in accordance with a participant’s licensed authorized uses.

1257

1258 At the request of a participant, MLS must provide the single data feed for that participant’s licensed uses to that participant’s
1259 designee. The designee may use the single data feed only to facilitate that participant’s licensed uses on behalf of that
1260 participant. (Adopted 3/22) M

1261
1262 **10.10 BROKERAGE BACK-OFFICE FEED**

1263 That participants are entitled to use, and MLSs must provide to participants, the BBO Data, for BBO Use subject to the
1264 Terms below:

1265
1266 “BBO Data” means all real property listing and roster information in the MLS database, including all listings of all
1267 participants, but excludes (i) MLS only fields (those fields only visible to MLS staff and the listing participant), and (ii)
1268 fields and content to which MLS does not have a sufficient license for use in the Brokerage Back Office Feed.

1269
1270 “BBO Use” means use of BBO Data by participant and subscribers affiliated with the participant for the following purposes:

- 1271
- 1272 • Brokerage management systems that only expose BBO Data to participant and subscribers affiliated with
1273 participant.
 - 1274 • Customer relationship management (CRM) and transaction management tools that only expose the BBO Data to
1275 participant, subscribers affiliated with participant, and their bona fide clients as established under state law.
 - 1276 • Agent and brokerage productivity and ranking tools and reports that only exposes BBO Data to participant and
1277 subscribers affiliated with participant.
 - 1278 • Marketplace statistical analysis and reports in conformance with NAR MLS Policy Statement 7.80, which allows
1279 for certain public distribution.

1280
1281 BBO Use may only be made by participant and subscriber affiliated with participant, except that at the request of a
1282 participant, MLS must provide BBO Data to that participant’s designee. The designee may use the BBO Data only to
1283 facilitate the BBO Use on behalf of that participant and its affiliated subscribers.

1284
1285 There is no option for participants to opt-out their listings from the Brokerage Back Office Feed Use as defined.

1286
1287 “Terms” mean the following:

- 1288
- 1289 • MLSs may impose reasonable licensing provisions and fees related to participant’s license to use Brokerage Back
1290 Office Feed Data. MLSs may require the participant’s designee to sign the same or a separate and different license
1291 agreement from what is signed by the participant. Such provisions in a license agreement may include those typical
1292 to the MLS’s data licensing practices, such as security requirements, rights to equitable relief, and dispute
1293 resolution terms. (The foregoing examples are not a limitation on the types of provisions an MLS may have in a
1294 license agreement.)
 - 1295 • Use of roster information may be limited by the MLS participation agreement and license agreements.
 - 1296 • Brokerage Back Office Feed Use is subject to other NAR MLS policies and local rules.
 - 1297 • MLSs in their reasonable discretion may expand the definition of Brokerage Back Office Feed Use in conformance
1298 with other NAR MLS policies, such as Policy Statement 7.85, which provides that “Use of listings and listing
1299 information by MLSs for purposes other than the defined purpose of MLS requires participants’ consent.”
1300 (Adopted 3/22) M

1301
1302 **10.12 PROPERTY ADDRESSES**

1303 Residential listings filed with the MLS must include a property address where one exists at the time the listing is filed. If a
1304 property address is unavailable, then the parcel identification number must be submitted at the time the listing is filed. If no
1305 address or parcel identification number is available at the time the listing is filed, the listing must, at a minimum, contain a
1306 legal description of the property sufficient to describe the location of the property. This information shall be available to
1307 participants and subscribers at the time of filing. M

1308
1309 **SECTION 11 INTERNET DATA EXCHANGE (“IDX”)**

1310
1311 **11.1 IDX DEFINED**

1312 IDX affords MLS Participants the ability to authorize limited electronic display of their listings by other participants and
1313 delivery of their listings by other participants via the following authorized mediums under the participant’s control: websites,
1314 mobile apps, and audio devices. As used throughout these rules, “display” includes “delivery” of such listings. (Amended 5/17) M

1315
1316 **11.2 AUTHORIZATION**

1317 Participants’ consent for display of their listings by other participants pursuant to these rules and regulations is presumed
1318 unless a participant affirmatively notifies the MLS that the participant refuses to permit display (either on a blanket or on a
1319 listing-by-listing basis). If a participant refuses on a blanket basis to permit the display of that participant’s listings, that
1320 participant may not download, frame or display the aggregated MLS data of other participants. Even where participants have
1321 given blanket authority for other participants to display their listings on IDX sites, such consent may be withdrawn on a

1322 listing-by-listing basis where the seller has prohibited all Internet display or other electronic forms of display or distribution.
1323 (Amended 05/12)

1324
1325 **11.2.3** All listings displayed pursuant to IDX shall identify the listing firm in a reasonably prominent location and in a readily
1326 visible color and typeface not smaller than the median used in the display of listing data. Displays of minimal information (e.g.,
1327 “thumbnails”, text messages, “tweets”, etc., of two hundred [200] characters or less) are exempt from this requirement but only
1328 when linked directly to a display that includes all required disclosures. (Amended 11/17) M

1329
1330 **11.3 PARTICIPATION**

1331 Participation in IDX is available to all MLS participants who are REALTORS® and who consent to display of their listings
1332 by other participants.

1333
1334 **11.3.1** Participants must notify the MLS of their intention to display IDX information and must give the MLS
1335 direct access for purposes of monitoring/ensuring compliance with applicable rules and policies.

1336
1337 **11.3.2** MLS participants may not use IDX-provided listings for any purpose other than display as provided for in
1338 these rules. This does not require participants to prevent indexing of IDX listings by recognized search engines.

1339
1340 **11.3.3** Listings, including property addresses, can be included in IDX displays except where a seller has directed
1341 their listing broker to withhold their listing or the listing’s property address from all display on the Internet
1342 (including, but not limited to, publicly-accessible websites or VOWs) or other electronic forms of display or
1343 distribution. (Amended 05/17) M

1344
1345 **11.3.4** Participants may select the listings they choose to display through IDX based only on objective criteria
1346 including, but not limited to, factors such as geography or location (“uptown,” “downtown,” etc.), list price, or type
1347 of property (e.g., condominiums, cooperatives, single-family detached, multi-family or type of listing (e.g.,
1348 exclusive right-to-sell or exclusive agency)-Selection of listings displayed through IDX must be independently
1349 made by each participant. (Amended 3/22) M

1350
1351 **11.3.5** Participants must refresh all MLS downloads and IDX displays automatically fed by those downloads at
1352 least once every 12 hours.

1353
1354 **11.3.6** Except as provided in the IDX policy and these rules, an IDX site or a participant or user operating an IDX
1355 site or displaying IDX information as otherwise permitted may not distribute, provide, or make any portion of the
1356 MLS database available to any person or entity.

1357
1358 **11.3.7** Any IDX display controlled by a participant must clearly identify the name of the brokerage firm under
1359 which they operate in a readily visible color and typeface. For purposes of the IDX policy and these rules,
1360 “control” means the ability to add, delete, modify and update information as required by the IDX policy and MLS
1361 rules.

1362
1363 **11.3.8** Any IDX display controlled by a participant or subscriber that

1364
1365 (a) allows third parties to write comments or reviews about particular listings or displays a hyperlink to such comments or
1366 reviews in immediate conjunction with particular listings, or

1367
1368 (b) displays an automated estimate of the market value of the listing (or hyperlink to such estimate) in immediate conjunction
1369 with the listing,

1370
1371 either or both of those features shall be disabled or discontinued for the seller’s listings at the request of the seller.
1372 The listing broker or agent shall communicate to the MLS that the seller has elected to have one or both of these
1373 features disabled or discontinued on all displays controlled by participants. Except for the foregoing and subject to
1374 Section 18.2.9, a participant’s IDX display may communicate the participant’s professional judgment concerning
1375 any listing. Nothing shall prevent an IDX display from notifying its customers that a particular feature has been
1376 disabled at the request of the seller.

1377
1378 **11.3.9** Participants shall maintain a means (e.g., e-mail address, telephone number) to receive comments about the
1379 accuracy of any data or information that is added by or on behalf of the participant beyond that supplied by the
1380 MLS and that relates to a specific property. Participants shall correct or remove any false data or information
1381 relating to a specific property upon receipt of a communication from the listing broker or listing agent for the
1382 property explaining why the data or information is false. However, participants shall not be obligated to remove or
1383 correct any data or information that simply reflects good faith opinion, advice, or professional judgment.

1384
1385 **11.3.10** An MLS Participant (or where permitted locally, an MLS Subscriber) may co-mingle the listings of other
1386 brokers received in an IDX feed with listings available from other MLS IDX feeds, provided all such displays are

1387 consistent with the IDX rules, and the MLS Participant (or MLS Subscriber) holds participatory rights in those
1388 MLSs. As used in this policy, “co-mingling” means that consumers are able to execute a single property search of
1389 multiple IDX data feeds resulting in the display of IDX information from each of the MLSs on a single search
1390 results page; and that Participants may display listings from each IDX feed on a single webpage or display.
1391

1392 **11.4 DISPLAY** Display of listing information pursuant to IDX is subject to the following rules:
1393

1394 **11.4.1** Listings displayed pursuant to IDX shall contain only those fields of data designated by the MLS. Display of all
1395 other fields (as determined by the MLS) is prohibited. Confidential fields intended only for other MLS participants and
1396 users may not be displayed.
1397

1398 **11.4.1.1** The type of listing agreement (e.g., exclusive right to sell, exclusive agency, etc.) may not be displayed.
1399

1400 **11.4.2** Participants shall not modify or manipulate information relating to other participants’ listings. MLS participants may
1401 augment their IDX displays of MLS data with applicable property information from other sources to appear on the same
1402 webpage or display, clearly separated from the data supplied by the MLS. The source(s) of the information must be clearly
1403 identified in the immediate proximity to such data. This requirement does not restrict the format of MLS data display or
1404 display of fewer than all of the available listings or fewer authorized fields.
1405

1406 **11.4.3** All listing displayed pursuant to IDX shall identify the listing firm, and the email or phone number provided by the
1407 listing participant in a reasonably prominent location and in a readily visible color and typeface not smaller than the median
1408 used in the display of listing data. (Amended 3/22) M Displays of minimal information (e.g., “thumbnails”, text messages,
1409 “tweets”, etc., of two hundred [200] characters or less) are exempt from this requirement but only when linked directly to a display
1410 that includes all required disclosures. For audio delivery of listing content, all required disclosures must be subsequently delivered
1411 electronically to the registered consumer performing the property search or linked to through the device’s application. (Amended
1412 5/17)
1413

1414 **11.4.4** Non-principal brokers and sales licensees affiliated with IDX Participants may display information available through
1415 IDX on their own websites subject to their Participant’s consent and control and the requirements of state law and/or
1416 regulation.
1417

1418 **11.4.5** All listings displayed pursuant to IDX shall show the MLS as the source of the information. Displays of minimal
1419 information (e.g., “thumbnails”, text messages, “tweets”, etc., of two hundred [200] characters or less) are exempt from this
1420 requirement but only when linked directly to a display that includes all required disclosures.
1421

1422 **11.4.6** Participants (and their affiliated licensees, if applicable) shall indicate on their websites that IDX information is
1423 provided exclusively for consumers’ personal, non-commercial use, that it may not be used for any purpose other than to
1424 identify prospective properties consumers may be interested in purchasing, and that the data is deemed reliable but is not
1425 guaranteed accurate by the MLS. The MLS may, at its discretion, require use of other disclaimers as necessary to protect
1426 participants and/or the MLS from liability. Displays of minimal information (e.g., “thumbnails”, text messages,
1427 “tweets”, etc., of two hundred [200] characters or less) are exempt from this requirement but only when linked directly
1428 to a display that includes all required disclosures.
1429

1430 **11.4.7** The data consumers can retrieve or download in response to an inquiry shall be determined by the MLS but in no
1431 instance shall be limited to fewer than five hundred (500) listings or fifty percent (50%) of the listings available for IDX
1432 display, whichever is fewer. (Amended 11/17)
1433

1434 **11.4.8** The right to display other Participants’ listings pursuant to IDX shall be limited to a Participant’s office(s) holding
1435 participatory rights in this MLS.
1436

1437 **11.4.9** Listings obtained through IDX feeds from REALTOR® Association MLSs where the MLS Participant holds
1438 participatory rights must be displayed separately from listings obtained from other sources. Listings obtained from other
1439 sources (e.g., from other MLSs, from non-participating brokers, etc.) must display the source from which each such listing
1440 was obtained. Displays of minimal information (e.g., “thumbnails”, text messages, “tweets”, etc., of two hundred [200]
1441 characters or less) are exempt from this requirement but only when linked directly to a display that includes all
1442 required disclosures.
1443

1444 **11.4.10** Display of expired, withdrawn, and sold listings* is prohibited. To comply with this requirement MLSs must, if
1445 requested by a participant, promptly provide basic downloading of all active listings, sold* listing data starting from January
1446 1, 2012, non-confidential pending sale listing data, and other listings authorized under applicable MLS rules. MLSs may not
1447 exclude any listings from the information which can be downloaded or displayed under IDX except those listings for which
1448 a seller has affirmatively directed that their listing or their property address does not appear on the Internet or other
1449 electronic forms of display or distribution.
1450

1451 *Note: If “sold” information is not publicly accessible, “Publicly accessible” sold information as used in IDX policy and
1452 rules, means data that is available electronically or in hard copy to the public from city, county, state and other government
1453 records. MLSs must provide for its participants’ IDX displays publicly accessible sold information maintained by the MLS
1454 starting January 1, 2012. (Amended 3/22) M
1455

1456 **11.4.11** Display of seller’s(s’) and/or occupant’s(s’) name(s), phone number(s), and e-mail address(es) is prohibited.
1457

1458 **11.4.12** Deceptive or misleading advertising (including co-branding) on pages displaying IDX-provided listings is
1459 prohibited. For purposes of these rules, co-branding will be presumed not to be deceptive or misleading if the participant’s
1460 logo and contact information is larger than that of any third party.
1461

1462 **11.5 SERVICE FEES AND CHARGES**

1463 Service fees and charges for participation in IDX shall be as established annually by the Board of Directors.
1464

1465 **SECTION 12 – VOW (Virtual Office Website)**

1466 **Section 12.1 (a):** A Virtual Office Website (“VOW”) is a Participant’s Internet website, or a feature of a Participant’s
1467 website, through which the Participant is capable of providing real estate brokerage services to consumers with whom the
1468 Participant has first established a broker-consumer relationship (as defined by state law) where the consumer has the
1469 opportunity to search MLS Listing Information, subject to the Participant’s oversight, supervision, and accountability. A
1470 non-principal broker or sales licensee affiliated with a Participant may, with his or her Participant’s consent, operate a
1471 VOW. Any VOW of a non-principal broker or sales licensee is subject to the Participant’s oversight, supervision, and
1472 accountability.
1473

1474 (b) As used in Section 19 of these Rules, the term “Participant” includes a Participant’s affiliated non-principal brokers and
1475 sales licensees – except when the term is used in the phrases “Participant’s consent” and “Participant’s oversight,
1476 supervision, and accountability”. References to “VOW” and “VOWs” include all VOWs, whether operated by a Participant,
1477 by a non-principal broker or sales licensee, or by an Affiliated VOW Partner (“AVP”) on behalf of a Participant.
1478

1479 (c) “Affiliated VOW Partner” (“AVP”) refers to an entity or person designated by a Participant to operate a VOW on behalf
1480 of the Participant, subject to the Participant’s supervision, accountability and compliance with the VOW Policy. No AVP
1481 has independent participation rights in the MLS by virtue of its right to receive information on behalf of a Participant. No
1482 AVP has the right to use MLS Listing Information except in connection with operation of a VOW on behalf of one or more
1483 Participants. Access by an AVP to MLS Listing Information is derivative of the rights of the Participant on whose behalf
1484 the AVP operates a VOW.
1485

1486 (d) As used in Section 19 of these Rules, the term “MLS Listing Information” refers to active listing information and sold
1487 data provided by Participants to the MLS and aggregated and distributed by the MLS to Participants.
1488

1489 **Section 12.2 (a):** The right of a Participant’s VOW to display MLS Listing Information is limited to that supplied by the
1490 MLS(s) in which the Participant has participatory rights. However, a Participant with offices participating in different MLSs
1491 may operate a master website with links to the VOWs of the other offices.
1492

1493 (b) Subject to the provisions of the VOW Policy and these Rules, a Participant’s VOW, including any VOW operated on
1494 behalf of a Participant by an AVP, may provide other features, information, or functions, i.e., Internet Data Exchange
1495 (“IDX”).
1496

1497 (c) Except as otherwise provided in the VOW Policy or in these Rules, a Participant need not obtain separate permission
1498 from other MLS Participants whose listings will be displayed on the Participant’s VOW.
1499

1500 **Section 12.3 (a):** Before permitting any consumer to search for or retrieve any MLS Listing Information on his or her
1501 VOW, the Participant must take each of the following steps:
1502

- 1503 (i) The Participant must first establish with that consumer a lawful broker-consumer relationship (as defined by state law),
1504 including completion of all actions required by state law in connection with providing real estate brokerage services to
1505 clients and customers (hereinafter “Registrants”). Such actions shall include, but are not limited to, satisfying all
1506 applicable agency, non-agency, and other disclosure obligations, and execution of any required agreements.
1507 (ii) The Participant must obtain the name of, and a valid email address for, each Registrant. The Participant must send an
1508 email to the address provided by the Registrant confirming that the Registrant has agreed to the Terms of Use
1509 (described in subsection (d) below). The Participant must verify that the email address provided by the Registrant is
1510 valid and that the Registrant has agreed to the Terms of Use.
1511 (iii) The Participant must require each Registrant to have a username and a password, the combination of which is different
1512 from those of all other Registrants on the VOW. The Participant may, at his or her option, supply the username and
1513

1514 password or may allow the Registrant to establish its username and password. The Participant must also ensure that
1515 any email address is associated with only one username and password.
1516

1517 (b) The Participant must ensure that each Registrant's password expires on a date certain but may provide for renewal of the
1518 password. The Participant must at all times maintain a record of the name, email address, username, and current password of
1519 each Registrant. The Participant must keep such records for not less than 180 days after the expiration of the validity of the
1520 Registrant's password.
1521

1522 (c) If the MLS has reason to believe that a Participant's VOW has caused or permitted a breach in the security of MLS
1523 Listing Information or a violation of MLS rules, the Participant shall, upon request of the MLS, provide the name, email
1524 address, username, and current password, of any Registrant suspected of involvement in the breach or violation. The
1525 Participant shall also, if requested by the MLS, provide an audit trail of activity by any such Registrant.
1526

1527 (a) The Participant shall require each Registrant to review, and affirmatively to express agreement (by mouse click or
1528 otherwise) to, a "Terms of Use" provision that provides at least the following:
1529

1530 (i) That the Registrant acknowledges entering into a lawful consumer-broker relationship with the Participant.

1531 (ii) That all information obtained by the Registrant from the VOW is intended only for the Registrant's personal, non-
1532 commercial use;

1533 (iii) That the Registrant has a bona fide interest in the purchase, sale, or lease of real estate of the type being offered through
1534 the VOW;

1535 (iv) That the Registrant will not copy, redistribute, or retransmit any of the information provided except in connection with
1536 the Registrant's consideration of the purchase or sale of an individual property;

1537 (v) That the Registrant acknowledges the MLS's ownership of, and the validity of the MLS's copyright in, the MLS
1538 database.
1539

1540 (e) The Terms of Use Agreement may not impose a financial obligation on the Registrant or create any representation
1541 agreement between the Registrant and the Participant. Any agreement entered into at any time between the Participant and
1542 Registrant imposing a financial obligation on the Registrant or creating representation of the Registrant by the Participant
1543 must be established separately from the Terms of Use, must be prominently labeled as such, and may not be accepted solely
1544 by mouse click.
1545

1546 (f) The Terms of Use Agreement shall also expressly authorize the MLS, and other MLS Participants or their duly
1547 authorized representatives, to access the VOW for the purposes of verifying compliance with MLS rules and monitoring
1548 display of Participants' listings by the VOW. The Agreement may also include such other provisions as may be agreed to
1549 between the Participant and the Registrant.
1550

1551 **Section 12.4:** A Participant's VOW must prominently display an e-mail address, telephone number, or specific
1552 identification of another mode of communication (e.g., live chat) by which a consumer can contact the Participant to ask
1553 questions, or get more information, about any property displayed on the VOW. The Participant, or a non-principal broker or
1554 sales licensee licensed with the Participant, must be willing and able to respond knowledgeably to inquiries from Registrants
1555 about properties within the market area served by that Participant and displayed on the VOW.
1556

1557 **Section 12.5:** A Participant's VOW must employ reasonable efforts to monitor for, and prevent, misappropriation,
1558 "scraping", and other unauthorized use of MLS Listing Information. A Participant's VOW shall utilize appropriate security
1559 protection such as firewalls as long as this requirement does not impose security obligations greater than those employed
1560 concurrently by the MLS.
1561

1562 **Section 12.6 (a):** A Participant's VOW shall not display listings or property addresses of any seller who has affirmatively
1563 directed the listing broker to withhold the seller's listing or property address from display on the Internet. The listing broker
1564 shall communicate to the MLS that the seller has elected not to permit display of the listing or property address on the
1565 Internet. Notwithstanding the foregoing, a Participant who operates a VOW may provide to consumers via other delivery
1566 mechanisms, such as email, fax, or otherwise, the listings of sellers who have determined not to have the listing for their
1567 property displayed on the Internet.
1568

1569 (b) A Participant who lists a property for a seller who has elected not to have the property listing or the property address
1570 displayed on the Internet shall cause the seller to execute a document that includes the following (or a substantially similar)
1571 provision:
1572

1573 **Seller Opt-Out Form**

1574 1. Please check either Option a or Option b
1575

1576 a.[] I have advised my broker or sales agent that I do not want the listed property to be displayed on the Internet.
1577

OR

1578 b.[] I have advised my broker or sales agent that I do not want the address of the listed property to be displayed on the
1579 Internet.

1580
1581 2. I understand and acknowledge that, if I have selected option a, consumers who conduct searches for listings on the
1582 Internet will not see information about the listed property in response to their search.

1583
1584 _____
1585 initials of seller

1586
1587 (c) The Participant shall retain such forms for at least one year from the date they are signed, or one year from the date the
1588 listing goes off the market, whichever is greater.

1589
1590 **Section 12.7 (a):** Subject to subsection (b), a Participant's VOW may allow third parties:

- 1591
1592 (i) to write comments or reviews about particular listings or display a hyperlink to such comments or reviews in
1593 immediate conjunction with particular listings, or
1594 (ii) display an automated estimate of the market value of the listing (or hyperlink to such estimate) in immediate
1595 conjunction with the listing

1596
1597 (b) Notwithstanding the foregoing, at the request of the seller the Participant shall disable or discontinue either or both of
1598 those features described in subsection (a) as to any listing of the seller. The listing broker or agent shall communicate to the
1599 MLS that the seller has elected to have one or both of these features disabled or discontinued on all Participants' websites.
1600 Subject to the foregoing and to Section 19.8, a Participant's VOW may communicate the Participant's professional
1601 judgment concerning any listing. A Participant's VOW may notify its customers that a particular feature has been disabled
1602 "at the request of the seller."

1603
1604 **Section 12.8:** A Participant's VOW shall maintain a means (e.g., e-mail address, telephone number) to receive comments
1605 from the listing broker about the accuracy of any information that is added by or on behalf of the Participant beyond that
1606 supplied by the MLS and that relates to a specific property displayed on the VOW. The Participant shall correct or remove
1607 any false information relating to a specific property within 48 hours following receipt of a communication from the listing
1608 broker explaining why the data or information is false. The Participant shall not, however, be obligated to correct or remove
1609 any data or information that simply reflects good faith opinion, advice, or professional judgment.

1610
1611 **Section 12.9:** A Participant shall cause the MLS Listing Information available on its VOW to be refreshed at least once
1612 every three (3) days.

1613
1614 **Section 12.10:** Except as provided in these rules, the NATIONAL ASSOCIATION OF REALTORS® VOW Policy, or any other
1615 applicable MLS rules or policies, no Participant shall distribute, provide, or make accessible any portion of the MLS Listing
1616 Information to any person or entity.

1617
1618 **Section 12.11:** A Participant's VOW must display the Participant's privacy policy informing Registrants of all of the ways
1619 in which information that they provide may be used.

1620
1621 **Section 12.12:** A participant's VOW may exclude listings from display based only on objective criteria, including, but not
1622 limited to, factors such as geography, list price, or type of property. (Amended 3/22) M

1623
1624 **Section 12.13:** A Participant who intends to operate a VOW to display MLS Listing Information must notify the MLS of its
1625 intention to establish a VOW and must make the VOW readily accessible to the MLS and to all MLS Participants for
1626 purposes of verifying compliance with these Rules, the VOW Policy, and any other applicable MLS rules or policies.

1627
1628 **Section 12.14:** A Participant may operate more than one VOW himself or herself or through an AVP. A Participant who
1629 operates his or her own VOW may contract with an AVP to have the AVP operate other VOWs on his or her behalf.
1630 However, any VOW operated on behalf of a Participant by an AVP is subject to the supervision and accountability of the
1631 Participant.

1632
1633 **Section 12.15:** A Participant's VOW may not make available for search by, or display to, Registrants any of the following
1634 information:

- 1635
1636 (a) Expired and withdrawn listings.
1637
1638 (b) The type of listing agreement, i.e., exclusive right to sell or exclusive agency.
1639
1640 (c) The seller's and occupant's name(s), phone number(s), or e-mail address(es).

1641

1642 (d) Instructions or remarks intended for cooperating brokers only, such as those regarding showings or security of listed
1643 property.
1644

1645 **Section 12.16:** A Participant shall not change the content of any MLS Listing Information that is displayed on a VOW from
1646 the content as it is provided in the MLS. The Participant may, however, augment MLS Listing Information with additional
1647 information not otherwise prohibited by these Rules or by other applicable MLS rules or policies as long as the source of
1648 such other information is clearly identified. This rule does not restrict the format of display of MLS Listing Information on
1649 VOWs or the display on VOWs of fewer than all of the listings or fewer than all of the authorized information fields
1650

1651 **Section 12.17:** A Participant shall cause to be placed on his or her VOW a notice indicating that the MLS Listing
1652 Information displayed on the VOW is deemed reliable but is not guaranteed accurate by the MLS. A Participant's VOW
1653 may include other appropriate disclaimers necessary to protect the Participant and/or the MLS from liability.
1654

1655 **Section 12.18:** A Participant shall cause any listing that is displayed on his or her VOW to identify the name of the listing
1656 firm and the listing broker or agent in a readily visible color, in a reasonably prominent location, and in typeface not smaller
1657 than the median typeface used in the display of listing data.
1658

1659 **Section 12.19:** A Participant shall limit the number of listings that a Registrant may view, retrieve, or download to not more
1660 than one hundred (100) or five percent (5%) of the current listings in the MLS, whichever is less, and not more than one
1661 hundred (100) or five percent (5%) of the sold listings in the MLS, whichever is less, in response to any inquiry.
1662

1663 **Section 12.20:** A Participant shall require that Registrants' passwords be reconfirmed or changed every 90 days.
1664

1665 **Section 12.21:** A Participant may display advertising and the identification of other entities ("co-branding") on any VOW
1666 the Participant operates or that is operated on his or her behalf. However, a Participant may not display on any such VOW
1667 deceptive or misleading advertising or co-branding. For purposes of this Section, co-branding will be presumed not to be
1668 deceptive or misleading if the Participant's logo and contact information (or that of at least one Participant, in the case of a
1669 VOW established and operated on behalf of more than one Participant) is displayed in immediate conjunction with that of
1670 every other party, and the logo and contact information of all Participants displayed on the VOW is as large as the logo of
1671 the AVP and larger than that of any third party.
1672

1673 **Section 12.22:** A Participant shall cause any listing displayed on his or her VOW that is obtained from other sources,
1674 including from another MLS or from a broker not participating in the MLS, to identify the source of the listing.
1675

1676 **Section 12.23:** A Participant shall cause any listing displayed on his or her VOW obtained from other sources, including
1677 from another MLS or from a broker not participating in the MLS, to be searched separately from listings in the MLS.
1678

1679 **Section 12.24:** Participants and the AVPs operating VOWs on their behalf must execute the license agreement required by
1680 the MLS.
1681

1682 **Section 12.25:** Where a seller affirmatively directs their listing broker to withhold either the seller's listing or the address of
1683 the seller's listing from display on the Internet, a copy of the seller's affirmative direction shall be provided to the MLS
1684 within 48 hours.
1685

1686 **Appendix 1**

1687 **National Association's Interest**

1688 The concept of cooperation in real estate transactions can be enhanced by a mechanism such as the
1689 multiple listing service which enables a REALTOR® to cooperate with other REALTORS®.

1690 Cooperation is the obligation to share information on listed property and to make property available
1691 to other brokers for showing to prospective purchasers and tenants when it is in the best interests of
1692 their client(s). (*Amended*). I