

Statewide Forms Policy

Approved February 2023

The North Dakota Association of REALTORS® (NDAR) is a statewide trade association which provides products and services to its REALTOR® members (Members). These products and services include the creation and maintenance of standardized and approved real estate forms (Forms). The NDAR has expended significant time and incurred considerable expense in developing the standardized and approved real estate forms for use by licensed REALTORS® in the State of North Dakota. (07/2023)

In an effort to protect the integrity of these Forms, the NDAR also adopts the following Member Policy pertaining to the use, reproduction, and distribution of the Forms:

1. Authorization of Use

- The NDAR has the exclusive right to modify and reproduce the Forms, and to authorize others to modify and reproduce the Forms.
- Each Member must agree to the licensed Forms provider's Terms of Use Agreement before accessing the forms.

2. Distribution of Forms

- The NDAR reserves the right to distribute the Forms in any manner it deems appropriate for Member benefit.
- "Clean" and "Example" copies of all Forms shall be made available for review or printing by Members and other authorized users on an NDAR password-protected website.

3. Uses of Forms

- The Forms, whether provided in written or printed form, provided electronically, or provided in any other form or format, are provided for the exclusive use of the Members. Authorized users may not display, reproduce, transmit, retransmit, or provide Forms in any manner to any unauthorized individual, office, lender, title company, or brokerage firm with the exception of Form(s) with "Example" watermarks may be distributed to Member's clients and customers for review purposes only.
- The Forms, both "Clean" and "Example" versions, may not be displayed on any public-facing webpages.
- The Statewide Forms are only for use by licensed REALTORS® in the State of North Dakota. (07/2023)
- Additionally, NDAR charges a fee for non-member access to the NDAR Statewide Forms Library, in the amount of \$150, to be billed annually in conjunction with NDAR member dues billing. To begin implementation for the 2024 billing cycle. (07/2023)

4. Modification of Forms

- The pre-printed text and format of the Forms may not be removed or modified in any way. No other information, marks, logos, branding, or symbols may be added to the Forms.

5. Educational Purposes

- Members of the NDAR may utilize, reproduce, and distribute the Forms solely for purposes of real estate transactions, education within their real estate brokerage practice, continuing education and prelicensure providers as approved by the Statewide Forms Committee. Members and unauthorized users may not sell or distribute the Forms as a separate product or service.
- Producers of textbooks and instructors of real-estate courses (CE courses, courses offered through colleges, real estate schools, pre-licensure courses, etc) are permitted to use the Forms in connection with their textbooks and/or courses, subject to their prior written agreement with NDAR to abide by certain restrictions, including but not limited to, using "Example" watermarked Forms reproduced in a textbook or handout materials and placing an acknowledgment accompanying the copies of the Forms that they are the property of NDAR and are being reprinted with the permission of NDAR.

6. Exceptions

- Members must obtain advance written authorization from the NDAR to use the NDAR Forms in any manner inconsistent with this Policy. Any requests shall be reviewed by the Statewide Forms Committee. Approvals must be ratified by NDAR's Executive Committee.
- Appeals shall be made within 30 days of the transmittal of the Statewide Forms Committee's decision and shall be reviewed by NDAR's Executive Committee.

7. Ramifications

- Any NDAR member who sells or provides the Forms in an unauthorized manner shall be charged a minimum fine of one thousand dollars or as determined by the NDAR Board of Directors.
- Any unauthorized use or distribution of the Forms will result in a cease-and-desist order. If unauthorized user does not heed cease-and-desist order, the NDAR may choose to pursue the unauthorized user in a manner of NDAR's discretion.

Statewide Forms Committee Makeup and Policy

In an effort to consistently update, revise, and provide additional Forms, the NDAR will maintain a Statewide Forms Committee (Committee) with the following parameters:

1. The Committee shall consist of a minimum of one member from each local board/association throughout the state of North Dakota. For every fraction of 500 primary members, each local board/association will have one (1) additional committee seat. Membership counts to be taken on July 1 of each year and to be effective for the following committee year.
2. The Committee members shall serve for staggered three-year terms with one-third of the terms expiring each year. The Chair of the Committee shall serve for a one-year term and be chosen by the concurrent presiding NDAR President from the existing committee. Committee members shall take office upon the effective date of their office and shall continue until their successors are appointed, qualified, and installed. Those interested in fulfilling a vacancy for a committee member shall complete an application with credentials to be reviewed. The NDAR

President, with input of the Executive Committee, shall appoint a member to fill the vacancy and it shall be ratified by the NDAR Board of Directors at their next scheduled meeting.

3. The Committee shall meet as needed throughout the year, bringing forth, in writing, proposed changes and additions from Members, the local Boards/Associations, NDAR legal counsel, applicable ND laws, ND Real Estate Commission to the Forms. All changes and additions shall first be reviewed by the Statewide Forms Committee and then approved by the NDAR legal counsel. The updated Forms shall be published and distributed once a year on July 1 to coincide with any applicable legislative requirements or mandates.

Recommended Changes to the Forms:

The Chair/Vice Chair/Director in Charge and NDAR Staff Liaison shall respond to NDAR Statewide Forms Committee request(s) directly or add the request(s) to the NDAR Statewide Forms Committee agenda. Requests handled directly shall be mentioned in the NDAR Statewide Forms Committee during the Chair's update. Any changes or additions made by the NDAR Statewide Forms Committee shall be approved by NDAR Legal Counsel and released on July 1st of each year.