



MLS
technology | INC

CHANGE GUIDE

Article 2 Purpose

MLS Tech is a means by which ~~subscribers~~ [Participants and Users](#) to MLS Tech will receive a variety of services to enable them to better serve the public and to more effectively practice their profession. These services include, but are not limited to:

- A.** The MLS Tech Multiple Listing Service (MLS System) is a means by which ~~authorized Participants make blanket unilateral offers of compensation to other Participants (acting as subagents, buyer agents, or in other agency or nonagency capacities defined by law); by which cooperation among Participants is enhanced, by which~~ information is accumulated and disseminated to enable authorized Participants [and Users](#) to prepare appraisals, analyses, ~~and other~~ valuations of real property, [and other real estate related information](#) for bona fide clients and customers; by which Participants engaging in real estate appraisal contribute to common databases; and is a facility for the orderly correlation and dissemination of listing information so Participants may better serve their clients ~~and the public. Entitlement to compensation is determined by the cooperating broker's performance as procuring cause of the sale (or lease).~~

Article 4 Participation Defined

A. REALTOR® Participant Any REALTOR® of this or any other association who is a principal, partner, corporate officer, or branch office manager acting on behalf of a principal, without further qualification, except as otherwise stipulated in these Bylaws, shall be eligible to participate in the MLS System upon agreeing in writing to conform to the Bylaws, Rules and Regulations thereof, as may be amended from time to time, to pay the costs incidental thereto. Any applicant for MLS System participation, ~~and including any licensee (including licensed or certified appraisers) affiliated with an MLS Participant~~ applicant of a licensed or certified appraisers not affiliated with a MLS Participant, who has access to and use of the MLS System and any -MLS generated information ~~may will~~ be required to complete an orientation program of no more than eight (8) classroom hours devoted to the MLS Tech Rules and Regulations and computer training related to MLS information entry and retrieval. ~~However, under no circumstances is any individual or firm, regardless of membership status, entitled to MLS Tech membership or participation unless they hold a current, active and valid real estate broker's license and offer or accept compensation to and from other Participants or are licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property.~~ Use of information developed by or published by MLS Tech is strictly limited to the activities authorized under a Participant's licensure(s) or certification and unauthorized uses are prohibited. Further, none of the foregoing is intended to convey participation or membership or any right of access to information developed by or published by an association multiple listing service where access to such information is prohibited by law. The REALTOR® principal of any firm, partnership, corporation, or the branch office manager designated by said firm, partnership, or corporation as the Participant shall have all rights, benefits, and privileges of the MLS System, and shall accept all obligations to MLS Tech for the Participant's firm, partnership, or corporation, and for compliance with the Bylaws and Rules and Regulations of MLS Tech by all persons affiliated with the Participant who utilize the MLS System.

Mere possession of a broker's license is not sufficient to qualify for MLS System participation. Rather, ~~the requirement that an individual or firm offers or accepts cooperation and compensation means that~~ the Participant is to actively endeavors during the operation of its real estate business to list real property of the type listed on the MLS System ~~and/or to accept offers of cooperation and compensation made by listing brokers or agents in the MLS System~~. "Actively" means on a continual and

ongoing basis during the operation of the Participant's real estate business. The "actively" requirement is not intended to preclude MLS System participation by a Participant or potential Participant that operates a real estate business on a part-time, seasonal, or similarly time-limited basis or that has its business interrupted by periods of relative inactivity occasioned by market conditions. Similarly, the requirement is not intended to deny MLS System participation to a Participant or potential Participant who has not achieved a minimum number of transactions despite good faith efforts. Nor is it intended to permit MLS Tech to deny participation based on the level of service provided by the Participant or potential Participant as long as the level of service satisfies state law.

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

~~B.—— Non-member Participant~~

~~Participation in the service is also available to nonmember principals who meet the qualifications established in GTAR's Bylaws and MLS Tech Rules and Regulations. However, under no circumstances is any individual or firm, regardless of membership status, entitled to multiple listing service participation or membership unless they hold a current, valid real estate broker's license and offer or accept compensation to and from other Participants, or are licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property. Use of information developed by or published by an association multiple listing service is strictly limited to the activities authorized under a Participant's licensure(s) or certification and unauthorized uses are prohibited. Further, none of the foregoing is intended to convey participation or membership or any right of access to information developed by or published by an association multiple listing service where access to such information is prohibited by law. The nonmember principal of~~

~~any firm, partnership, corporation, or the branch office manager designated by said firm, partnership, or corporation as the Participant shall have only those rights, benefits, and privileges as specified by the service, and shall accept all obligations to the service for the Participant's firm, partnership, or corporation, and for compliance with the Bylaws and Rules and Regulations of MLS Tech by all persons affiliated with the Participant who utilize the service.~~

G. B. User

The MLS System is also available to a User who meets the qualifications established in GTAR's Bylaws and MLS Tech Rules and Regulations. A User is a person who is:

- i. a non-principal REALTOR® broker,;
- ii. a REALTOR-ASSOCIATE® licensee affiliated with a Participant,;
- iii. a licensed or certified real estate appraiser, or licensed trainee, affiliated with a Participant;
- iv. a person holding a Certified Property Manager® designation; or
- v. a person holding a Certified Commercial Investment Member designation.

A User will be required to complete an orientation program of no more than eight (8) classroom hours devoted to the MLS Tech Rules and Regulations and computer training related to MLS information entry and retrieval.

Use of information developed by or published by the MLS System is strictly limited to the activities authorized such a User's licensure(s) or certification and unauthorized uses are prohibited. Further, none of the foregoing is intended to convey participation or membership or any right of access to information developed by or published by the MLS System where access to such information is prohibited.

User shall be held personally subject to the MLS Tech Bylaws, Rules and Regulations and any other governing provisions of MLS Tech and to discipline for violations thereof. ~~Users shall be required to successfully complete an orientation program prior to having access to the MLS System.~~

C. Unlicensed Assistant.

An Unlicensed Assistant is a person who is:

- i. not a licensed real estate broker or sales associate or a ~~certified or licensed real estate appraiser, or licensed trainee appraiser~~ User; and
- ii. who is employed by the Participant (or a User affiliated with the Participant).

The Participant and/or User employing an Unlicensed Assistant shall be held responsible for compliance by the ~~an~~ Unlicensed ~~a~~ Assistant with all MLS Tech Bylaws, Rules and Regulations and any other applicable provisions regarding use of the MLS System of MLS Tech and may be subject to discipline for any violations thereof.

Article 4.1 Application for Participation

A. Application for participation in any MLS Tech Service shall be made in such manner and form as may be prescribed by the Board of Directors of MLS Tech ~~and made available to any REALTOR® principal of GTAR or any other association requesting it.~~ The application form shall contain a signed statement agreeing to abide by these Bylaws and any other applicable Rules and Regulations of MLS Tech as from time to time amended or adopted.

B. MLS Tech ~~may have the Membership Committee~~ considers the following when determining an nonmember applicant's qualifications ~~for MLS System participation or membership:~~

Article 4.6 Termination of Participation

In the event a Participant's REALTOR® Membership in GTAR or any other Board or Association of REALTORS® is suspended or terminated, the Participant's participation in the MLS Tech service shall automatically terminate. To reinstate the MLS Tech Service participation, the former Participant shall file a written application, ~~for Nonmember Participant~~, pay such application fee as may be established by the MLS Tech Board of Directors, and shall agree to and be subject to all of the provisions of these Bylaws and the MLS Tech Rules and Regulations.

Article 5 Discipline

Conduct in violation of MLS Tech Bylaws, Rules or Regulations may result in a fine and/or suspension or expulsion of MLS Tech membership to be determined solely by the MLS Tech Board of Directors and shall be subject to the disciplinary procedure set forth in the Code of Ethics and Arbitration Manual of the National Association of REALTORS® ("NAR"). Any Participant, ~~non-member Participant~~, Users or Unlicensed Assistant of MLS Tech may be reprimanded, placed on probation, suspended, or expelled for harassment of a GTAR or MLS Tech employee, or officer or director of either GTAR or MLS Tech after an investigation in accordance with the established procedures of MLS Tech and GTAR as may be amended or modified from time to time.

NOTE: All strikethrough items in **red** indicate removal of the language. All underlined items in **blue** indicate an addition of language.