



Multiple Listing Service

RESIDENTIAL HANDBOOK

Rules and Regulation Policy

Multiple Listing Service of Chattanooga, Inc.

Approved by NAR
(September 2, 2008)

Model Rules and Regulations for an MLS Separately Incorporated but Wholly-owned by an Association of REALTORS®

The compliance classification category of each item is denoted by the following symbol:

- M** Mandatory*
- R** Recommended
- O** Optional
- I** Informational

*Adoption is necessary to ensure compliance with mandatory policies established by the National Association of Realtors® MLS Board of Directors and coverage under the National Association's master professional liability insurance policy.

Listing Procedures

Section 1 Listing Procedures

Listings of real or personal property of the following types, which are listed subject to a real estate broker's license, and are located within the territorial jurisdiction of the MLS of Chattanooga, Inc. (MLS) and are taken by Participant (Designated Broker)s on an "exclusive right to sell" or "exclusive agency" listing form, mls entry only, or mls entry specified limited services, shall be entered into the MLS within 48 hours excluding Saturdays, Sundays and holidays after all necessary signatures of seller(s) have been obtained: *(Amended 11/01)*

- a. Residential single family homes for sale or exchange
- b. Residential vacant lots and acreage for sale or exchange
- c. two-family, three-family, and four-family buildings for sale or exchange

Note 1: The MLS shall not require a Participant (Designated Broker) to submit listings on a form other than the form the Participant (Designated Broker) individually chooses to utilize provided the listing is of a type accepted by the service, although a "Property Data Form" may be required as approved by the MLS. However, the MLS, through its legal counsel:

- may reserve the right to refuse to accept a listing form which fails to adequately protect the interests of the public and the Participant (Designated Broker)s.
- assure that no listing form filed with the MLS establishes, directly or indirectly, any contractual relationship between the MLS and the client (buyer and/or seller)

The MLS shall accept exclusive right-to-sell listing contracts and exclusive agency listing contracts, and may accept other forms of agreement which make it possible for the listing broker to offer cooperation and compensation to the other Participant (Designated Broker) of the MLS acting as subagents, buyer agents, or both. *(Amended 11/96)*

The listing agreement must include the seller's written authorization to submit the agreement to the MLS. *(Amended 11/96)*

The different types of listing agreements include:

- Exclusive right to sell
- Exclusive agency
- Limited service
- Marketing Agreement
- MLS entry only
- Exempted
- Auction

The service may not accept **net listings** because they are deemed unethical and, in most states, illegal. **Open listings** are not accepted except where required by law because the inherent nature of an open listing is such as to usually not include the authority to cooperate and compensate other brokers and inherently provides a disincentive for cooperation. *(Amended 4/92)*

Note 2: A MLS does not regulate the type of listings its members may take. This does not mean that a MLS must accept every type of listing. The MLS shall decline to accept open listings (except where acceptance is required by law) and net listings, and it may limit its service to listings of certain kinds of property. But, if it chooses to limit the kind of listings it will accept, it shall leave its members free to accept such listings to be handled outside the MLS.

Note 3: A MLS may, as a matter of local option, accept exclusively listed property that is subject to auction. If such listings do not show a listed price, they may be included in a separate section of the MLS compilation of current listings. *(Adopted 11/92)* **M**

Section 1.1 Types of Properties

Following are some of the types of properties that may be published through the service, including types described in the preceding paragraph that are required to be filed with the service and other types that may be filed with the service at the Participant's (Designated Broker's) option provided, however, that any listing submitted is entered into within the scope of the Participant's (Designated Broker's) licensure as a real estate broker: *(Amended 11/91)* A residential listing may be entered in one category only. **O**

- Residential
- Residential income (includes multi-family dwellings)
- Mobile homes (must include property)
- Subdivided vacant lot
- Farm

Section 1.1.1 Listing Subject to Rules and Regulations of the Service

Any listing filed with the MLS is subject to the rules and regulations of the service upon signature of the seller(s). **R**

Section 1.2 Detail on Listings Filed with the Service

A property data form, when filed with the MLS by the listing broker, shall be complete in every detail which is ascertainable as specified on the property data form. **R**

Section 1.2.1 EXCLUSIVE RIGHT TO SELL

The exclusive right-to-sell listing is the conventional form of listing submitted to the MLS in that the seller authorizes the listing broker to cooperate with and to compensate other brokers. *(Amended 4/92)*

Section 1.2.2 EXCLUSIVE AGENCY

The exclusive agency listing also authorizes the listing broker, as exclusive agent, to offer cooperation and compensation on blanket unilateral bases, but also reserves to the seller the general right to sell the property on an unlimited or restrictive basis. Exclusive agency listings and exclusive right-to-sell listings with named prospects exempted should be clearly distinguished by a simple designation such as a code or symbol from exclusive right-to-sell listings with no named prospects exempted, since they can present special risks of procuring cause controversies and administrative problems not posed by exclusive right-to-sell listings with no named prospects exempted. Care should be exercised to ensure that different codes or symbols are used to denote exclusive agency and exclusive right-to-sell listings with prospect reservations. *(Amended 4/92)*

Section 1.2.3 Limited Service Listings

Unless the following duties are specifically and individually waived, in writing by a client, a subscriber shall assist the client by:

- (A) Scheduling all property showings on behalf of the client;
- (B) Receiving all offers and counter offers and forwarding them promptly to the client;
- (C) Answering any questions that the client may have in negotiation of a successful purchase agreement within the scope of the subscriber's expertise; and
- (D) Advising the client as to whatever forms, procedures and steps are needed after execution of the purchase agreement for a successful closing of the transaction

Upon waiver of any of the above duties, a consumer must be advised in writing by such consumer's subscriber that the consumer may not expect or seek assistance from any other subscribers in the transaction for the performance of the above.

This act shall take effect upon becoming a law, the public welfare requiring it. (May 2006)

This will be identified with an appropriate code or symbol (e.g., EO) in MLS compilations (This type of listing will be indicated on the MLS under Type of Listing) so potential cooperating brokers will be aware of the extent of the services the listing broker will provide to the seller(s), and any potential for cooperating brokers being asked to provide some or all of these services to listing brokers' seller(s), prior to initiating efforts to show or sell the property.

This act shall take effect upon becoming a law, the public welfare requiring it. (May 2006)

Section 1.2.4 MLS Entry-only Listings

Listing agreements under which the listing broker will not provide any of the following services:

- a. arrange appointments for cooperating brokers to show listed property to potential purchasers but instead gives cooperating brokers authority to make such appointments directly with the seller(s)
- b. accept and present to the seller(s) offers to purchase procured by cooperating brokers but instead gives cooperating brokers authority to present offers to purchase directly to the seller(s)
- c. advise the seller(s) as to the merits of offers to purchase
- d. assists the seller(s) in developing, communicating, or presenting counter-offers
- e. participate on the seller's(s') behalf in negotiations leading to the sale of the listed property

This will be identified with an appropriate code or symbol (e.g., EO) in MLS compilations (This type of listing will be indicated on the MLS under Type of Listing) so potential cooperating brokers will be aware of the extent of the services the listing broker will provide to the seller(s), and any potential for cooperating brokers being asked to provide some or all of these services to listing brokers' seller(s), prior to initiating efforts to show or sell the property.

Note: Adoption of Section 1.2.4, MLS Entry-only Listings, is optional and a matter to be determined by each MLS. (Adopted 5/01) **O**

Section 1.2.5 Auction

An Auction is a public sale of property to the highest bidder.

Section 1.3 Exempted Listings

If the seller refuses to permit the listing to be disseminated by the service, the Participant (Designated Broker) may then take the listing (office exclusive) and such listing shall be filed with the service but not disseminated to the Participants (Designated Broker)s. Filing of the listing should be accompanied by certification signed by the seller that he does not desire the listing to be disseminated by the service. **M**

Section 1.4 Reporting Sold Only Listings:

Must be able to provide documentation as to why the listing was not entered in the MLS. All required data must be complete and will be entered as a comp only.

Section 1.5 Change of Status of Listing

Any change in listed price or other change in the original listing agreement shall be made only when authorized in writing by the seller and shall be filed with the service within forty-eight (48) hours except Saturday, Sunday and holidays after the authorized change is received by the listing broker. **R**

Section 1.6 Withdrawal of Listing Prior to Expiration

Listings of property may be withdrawn from the MLS by the listing broker before the expiration date of the listing agreement, provided notice is filed with the service, including a copy of the agreement between the seller and the listing broker which authorizes the withdrawal.

Sellers do not have the unilateral right to require an MLS to withdraw a listing without the listing broker's concurrence. However, when a seller(s) can document that his exclusive relationship with the listing broker has been terminated, the listing broker may remove the listing at the request of the seller. *(Adopted 11/96)* **M**

A listing may not be withdrawn and immediately re-entered as a new listing with the same listing subscriber or company due to price change, DOM, etc. unless 30 days have passed.

Note: REALTORS® shall be careful at all times to present a true picture in their advertising and representations to the public.

Section 1.7 Contingencies Applicable to Listings

Any contingency or conditions of any term in a listing shall be specified and noticed to the Participants (Designated Broker)s. **R**

Section 1.8 Listing Price Specified

The full gross listing price stated in the listing contract will be included in the information published in the MLS compilation of current listings, unless the property is subject to auction. *(Amended 11/92)* **M**

Section 1.9 Listing Multiple Unit Properties

All properties which are to be sold or which may be sold separately must be indicated individually in the listing and on the property data form. When part of a listed property has been sold, proper notification should be given to the MLS. **O**

Section 1.10 No Control of Commission Rates or Fees Charged to Participants (Designated Broker)s

The MLS shall not fix, control, recommend, suggest, or maintain commission rates or fees for services to be rendered by Participants (Designated Broker)s. Further, the MLS shall not fix, control, recommend, suggest, or maintain the division of commissions or fees between cooperating Participant (Designated Broker)s or between Participant (Designated Broker)s and non-Participants. **M**

Section 1.11 Expiration of Listings

Listings filed with the MLS will automatically be removed from the compilation of current listings on the expiration date specified in the agreement, unless prior to that date the MLS receives notice that the listing has been extended or renewed. *(Amended 11/01)*

If notice of renewal or extension is received and the listing has been removed from the compilation of current listings, the extension or renewal will be published in the same manner as a new listing. Extensions and renewals must be signed by the seller(s). *(Amended 11/01)* **M**

Any extension or renewal of a listing must be signed by the seller(s) unless the property is currently under contract and the contract or listing agreement provides for same and noted in MLS.

Section 1.12 Termination Date on Listings

Listings filed with the service shall bear a definite and final termination date, as negotiated between the listing broker and the seller. **M**

Section 1.13 Jurisdiction

Only listings of the designated types of property located within the jurisdiction of the MLS, Hamilton County, Sequatchie County, Tennessee and Walker, Dade, and Catoosa County, Georgia, are required to be submitted to the service. Listings of property located outside the MLS's jurisdiction will (or will not) be accepted if submitted voluntarily by a Participant (Designated Broker), and as long as listing agent/licensee is licensed in the state where property is located, but cannot be required by the service. *(Amended 11/01)*

Note: Associations must choose whether the service will accept listings from beyond its jurisdiction into the MLS compilation. *(Amended 11/88)* **M**

Section 1.14 Listing of Suspended Participants (Designated Broker)s

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

Section 1.15 Listing of Expelled Participants (Designated Broker)s

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

Section 1.16 Listing of Resigned Participants (Designated Broker)s

When a (Designated Broker) resigns from the MLS, the MLS is not obligated to provide services, including continued inclusion of the resigned Participant's (Designated Broker's) listings in the MLS compilation of current listing information. Prior to any removal of a resigned Participant's (Designated Broker's) listings from the MLS, the resigned (Designated Broker) should be advised, in writing, of the intended removal so that the resigned Participant (Designated Broker) may advise his seller(s). **O**

Section 1.17 Transferring of listing to new listing broker

A new listing contract must be signed by the seller and filed with new Participant (Designated Broker) when a listing is transferred to a new listing broker.

Selling Procedures

Section 2 Showings and Negotiations

Appointments for showings and negotiations with the seller for the purchase of listed property filed with the MLS shall be conducted through the listing broker, except under the following circumstances:

- a. the listing broker gives the cooperating broker specific authority to show and/or negotiate directly, or
- b. after reasonable effort, the cooperating broker cannot contact the listing broker or his representative; however, the listing broker, at his option, may preclude such direct negotiations by cooperating brokers. *(Amended 4/92)*
- c. Centralization Showing Services **M**

Section 2.1 Presentation of Offers

The listing broker must make arrangements to present the offer as soon as possible, or give the cooperating broker a satisfactory reason for not doing so. *(Amended 4/9)* "In the event an offer is rejected, the broker or affiliate broker shall request the seller to note the rejection on the offer and return the same to the offeror the offeror's agent." (TREC #1260-2-.08) **M**

Section 2.2 Submission of Written Offers *and Counter-offers*

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

Participants (Designated Broker)s representing buyers, tenants or sellers shall submit to the buyer, sellers or tenant all offers and counter offers until acceptance, and shall recommend that buyers, sellers or tenants obtain legal advice where there is a question about whether a pre-existing contract has been terminated. *(Amended 11/05)* **M**

Section 2.3 Right of Cooperating Broker in Presentation of Offer

The cooperating broker or his representative has the right to participate in the presentation to the seller or lessor of any offer he secures to purchase or lease. He does not have the right to be present at any discussion or evaluation of that offer by the seller or lessor and the listing broker. However, if the seller or lessor gives written instructions to the listing broker that the cooperating broker not be present when an offer the cooperating broker has secured is presented, the cooperating broker has the right to a copy of the seller's or lessor's written instructions. None of the foregoing diminishes the listing broker's right to control the establishment of appointments for such presentations. *(Amended 4/92)* **M**

Section 2.4 Right of Listing Broker in Presentation of Offer

The listing broker or his representative has the right to participate in the presentation of any counter-offer made by the seller or lessor. He does not have the right to be present at any discussion or evaluation of a counter-offer by the purchaser or lessee (except when the cooperating broker is a subagent). However, if the purchaser or lessee gives written instructions to the cooperating broker that the listing broker not be present when a counter- offer is presented, the listing broker has the right to a copy of the purchaser's or lessee's written instructions. *(Adopted 11/93)* **M**

Section 2.5 *Reporting Sales to the Service*

Status changes, including final closing of sales shall be reported to the MLS by the listing broker within forty – eight (48) hours after they have occurred. If negotiations were carried on under Section 2(a) or (b) hereof, the cooperating broker shall report the status changes, to the listing broker within forty-eight hours (48) after occurrence and the listing broker shall report them to the MLS within forty-eight (48) after receiving notice from the cooperating broker. *(Amended 5/07)*

Note: The listing agreement of a property filed with the MLS by the listing broker should include a provision expressly granting the listing broker authority to advertise; to file the listing with the MLS; to provide timely notice of status changes of the listing to the MLS; and to provide sales information including selling price to the MLS upon sale of the property. *(Amended 11/01)* **M**

Section 2.6 Reporting Production

Reporting production in the MLS must be identified by the subscriber that negotiated the transaction and whose signature appears on the Confirmation of Agency, Listing Agreement and Sales Agreement.

Section 2.7 Reporting Resolution of Contingencies

The listing broker shall report to the MLS within forty-eight (48) hours excluding Saturdays, Sundays and holidays, that a contingency on file with the MLS has been fulfilled or renewed, or the agreement cancelled. **M**

Section 2.8 Advertising of Listings Filed with the Service

A listing shall not be advertised by any Participant (Designated Broker) other than the listing broker without the prior consent of the listing broker. **M**

Section 2.9 Reporting Cancellation of Pending Sale

The listing broker shall report immediately to the MLS the cancellation of any pending sale, and the listing shall be reinstated immediately. **M**

Section 2.10 Availability of Listed Property

Listing brokers shall not misrepresent the availability of access to show or inspect listed property. (Adopted 11/05) **M**

Section 2.11 Disclosing the Existence of Offers

Listing brokers, in response to inquiries from buyers or cooperating brokers, shall, with sellers' approval, disclose the existence of offers on the property. Where disclosure is authorized, the listing broker shall also disclose whether offers were obtained by the listing subscriber, by another subscriber in the listing firm, or by a cooperating broker. (Adopted 11/05)

Section 2.12 Promotional Materials

Promotional materials, including brochures, business cards or flyers may not be left when previewing listing, visiting an open house or showing property. A sign-in sheet may be provided by the listing agent for the visiting agent to register name and company.

Refusal to Sell

Section 3 Refusal to Sell

If the seller of any listed property filed with the MLS refuses to accept a written offer satisfying the terms and conditions stated in the listing, such fact shall be transmitted immediately to the service and to all Participants (Designated Broker)s. **R**

Prohibitions

Section 4 Information for Participants (Designated Broker)s Only

Any listing filed with the service shall not be made available to any broker or firm not a member of the MLS without the prior consent of the listing broker. **M**

Section 4.1 For Sale Signs

Only the for sale sign of the listing broker may be placed on a property. (Amended 11/89) **M**

Section 4.2 Sold Signs

Prior to closing, only the sold sign of the listing broker may be placed on a property, unless the listing broker authorizes the cooperating (selling) broker to post such a sign. (Amended 4/96) **M**

Section 4.3 Solicitation of Listing Filed with the Service

Participants (Designated Broker)s shall not solicit a listing on property filed with the service unless such solicitation is consistent with Article 16 of the REALTORS® Code of Ethics, its Standards of Practice and its Case Interpretations.

Note: This section is to be construed in a manner consistent with Article 16 of the Code of Ethics and particularly Standard of Practice 16-4. This section is intended to encourage sellers to permit their properties to be filed with the service by protecting them from being solicited, prior to expiration of the listing, by brokers and salespersons seeking the listing upon expiration.

Without such protection, a seller could receive hundreds of calls, communications, and visits from brokers and salespersons who have been made aware through MLS filing of the date the listing will expire and desire to substitute themselves for the present broker.

This section is also intended to encourage brokers to participate in the service by assuring them that other Participants (Designated Broker)s will not attempt to persuade the seller to breach the listing agreement or to interfere with their attempts to market the property. Absent the protection afforded by this section, listing brokers would be most reluctant to generally disclose the identity of the seller or the availability of the property to other brokers.

This section does not preclude solicitation of listings under the circumstances otherwise recognized by the Standards of Practice related to Article 16 of the Code of Ethics. **M**

Division of Commissions

Section 5 Compensation Specified on Each Listing

The listing broker shall specify, on each listing filed with the MLS, the compensation offered to other MLS Participants (Designated Broker)s for their services in the sale of such listing. Such offers are unconditional except that entitlement to compensation is determined by the cooperating broker's performance as the procuring cause of the sale (or lease) or as otherwise provided for in this rule. The listing broker's obligation to compensate any cooperating broker as the procuring cause of the sale (or lease) may be excused if it is determined through arbitration that, through no fault of the listing broker and in the exercise of good faith and reasonable care, it was impossible or financially unfeasible for the listing broker to collect a commission pursuant to the listing agreement. In such instances, entitlement to cooperative compensation offered through MLS would be a question to be determined by an arbitration hearing panel based on all relevant facts and circumstances including, but not limited to, why it was impossible or financially unfeasible for the listing broker to collect some or all of the commission established in the listing agreement; at what point in the transaction did the listing broker know (or should have known) that some or all of the commission established in the listing agreement might not be paid; and how promptly had the listing broker communicated to cooperating brokers that the commission established in the listing agreement might not be paid. *(Amended 11/98)*

In filing a property with the MLS of an association of REALTORS[®], the Participant (Designated Broker) of the service is making blanket unilateral offers of compensation to the other MLS Participants (Designated Broker)s, and shall therefore specify on each listing filed with the service, the compensation being offered to the other MLS Participants (Designated Broker)s. Specifying the compensation on each listing is necessary, because the cooperating broker has the right to know what his compensation shall be prior to his endeavor to sell.* *(Amended 11/96)*

The listing broker retains the right to determine the amount of compensation offered to other Participants (Designated Broker)s (acting as buyer agents or in other agency or non-agency capacities defined by law) which may be the same or different. *(Amended 11/96)*

This shall not preclude the listing broker from offering any MLS Participant (Designated Broker) compensation other than the compensation indicated on any listing published by the MLS, provided the listing broker informs the other broker, in writing, in advance of his producing an offer to purchase, and provided that the modification in the specified compensation is not the result of any agreement among all or any other Participants (Designated Broker)s in the service. Any super ceding offer of compensation must be expressed as either a percentage of the gross sales price or as a flat dollar amount. *(Amended 11/95)*

Note 1: The MLS shall not have a rule requiring the listing broker to disclose the amount of total negotiated commission in his listing contract, and the association MLS shall not publish the total negotiated commission on a listing which has been submitted to the MLS by a Participant (Designated Broker). The association MLS shall not disclose in any way the total commission negotiated between the seller and the listing broker.

Note 2: The multiple listing service shall make no rule on the division of compensation between (Designated Broker)s and non-participants. This should remain solely the responsibility of the listing broker.

Note 3: Multiple listing service, at their discretion, may adopt rules and procedures enabling listing brokers to communicate to potential cooperating brokers that gross commissions established in listing contracts are subject to court approval or to lender approval; and that compensation payable to cooperating brokers may be reduced if the gross commission established in the listing contract reduced by a court or by a lender. In such instances, the fact that the gross commission is subject to court or to lender approval and either the potential reduction in compensation payable to cooperating brokers or the method by which the potential reduction in compensation will be calculated must be clearly communicated to potential cooperating brokers prior to the time they produce an offer that ultimately results in a successful transaction. *(Adopted 11/98)*

Note: 4: Nothing in these MLS rules precludes a listing Participant (Designated Broker) and a cooperating Participant (Designated Broker), as a matter of mutual agreement, from modifying the cooperative compensation to be paid in the event of a successful transaction. *(Adopted 11/06)* **M**

The MLS shall not include listings that do not include an offer of compensation expressed as a percentage of the gross selling price or as a definite dollar amount or shall they include general invitations by listing brokers to other Participants (Designated Broker)s to discuss terms and conditions of possible cooperative relationships.

*The compensation specified on listings filed with the MLS shall appear in one of two forms. The essential and appropriate requirement by an association MLS is that the information to be published shall clearly inform the Participants (Designated Broker)s as to the compensation they will receive in cooperative transactions, unless advised otherwise by the listing broker, in writing, in advance of his producing an offer to purchase. The compensation specified on listings published by the MLS shall be shown in one of the following forms:

1. by showing a percentage of the gross selling price
2. by showing a definite dollar amount (*Amended 11/95*)

Section 5.1 Participant (Designated Broker) as Principal

If a Participant (Designated Broker) or any subscriber (or licensed or certified appraiser) affiliated with a Participant (Designated Broker) has any ownership or personal interest in a property, the listing of which is to be disseminated through the MLS, that person shall disclose that interest when the listing is filed with the MLS and such information shall be disseminated to all MLS Participants (Designated Broker)s. **M**

Section 5.2 Participant (Designated Broker) as Purchaser

If a Participant (Designated Broker) or any subscriber (including licensed and certified appraisers) affiliated with a Participant (Designated Broker) wishes to acquire an interest in property listed with another Participant (Designated Broker), such contemplated interest shall be disclosed, in writing, to the listing broker not later than the time an offer to purchase is submitted to the listing broker. (*Adopted 2/92*) **M**

Section 5.3 Dual or Variable Rate Commission Arrangements

The existence of a dual or variable rate commission arrangement (i.e., one in which the seller/landlord agrees to pay a specified commission if the property is sold/leased by the listing broker without assistance and a different commission if the sale/lease results through the efforts of a cooperating broker; or one in which the seller/landlord agrees to pay a specified commission if the property is sold/leased by the listing broker either with or without the assistance of a cooperating broker and a different commission if the sale/lease results through the efforts of a seller/landlord) shall be disclosed by the listing broker by a key, code, or symbol (This type of listing will be indicated on the search result screen to the far right under the heading V/R and on the Agent Full report next to commission) as required by the MLS. The listing broker shall, in response to inquiries from potential cooperating brokers, disclose the differential that would result in either a cooperative transaction or, alternatively, in a sale/lease that results through the efforts of the listing broker or the seller/landlord. If the cooperating broker is a buyer/tenant representative, the buyer/tenant representative must disclose such information to their buyer before the buyer makes an offer to purchase or lease. (*Amended 5/01*) **M**

Service Charges

Section 6 Service Fees and Charges

The following service charges for operation of the MLS are in effect to defray the costs of the Service and are subject to change from time to time with the final approval by the MLS Board of Directors

Section 6.1 Initial Participation Fee: An applicant for participation in the service shall pay an application fee as determined by the MLS Board of Directors with such fee to accompany the application.

Note: The initial participation fee shall approximate the cost of bringing the service to the Participant (Designated Broker).

Section 6.2 Recurring Participation Fee: The annual participation fee of each Participant (Designated Broker) shall pay an amount determined by the MLS Board of Directors for each salesperson and licensed or certified appraiser who has access to and use of the service, whether licensed as a broker, sales subscriber, or licensed or certified appraiser who is employed by or affiliated as an independent contractor with such Participant (Designated Broker) may provide the MLS with a valid credit card or debit card to be stored by the MLS for payments in the future as directed by the subscriber. for payment. Payment due date of such fees shall be before the first day of the fiscal year of the multiple listing service. Fees shall be prorated on a monthly basis. (Effective 1/1/2007)

Note: An MLS may elect to have such fees payable on a quarterly or even on a monthly basis. However, added administrative services are necessitated by increased frequency of such payments.

Section 6.3 Assessment of MLS Fees, Dues and Charges

All MLS Fees, dues and charges, including, but not limited to initial participation fees, recurring participation fees, lockbox related charges, and REALTOR® Store charges, etc., shall be assessed only to MLS Participant (Designated Broker). Payment of such fees may be accepted from the MLS Participant (Designated Broker) and/or from non-principal brokers sales subscribers affiliated with the Participant (Designated Broker). None of the foregoing is intended to preclude the MLS Participant (Designated Broker) from being reimbursed by affiliated subscribers for fee or charges incurred on their behalf pursuant to any in-house agreement that may exist. The recurring participation fee may be assessed to non-principal brokers or sales subscribers affiliated with the Participant (Designated Broker) at the discretion of the MLS Board of Directors.

Compliance with Rules

Section 7 Compliance with Rules

The following action may be taken for noncompliance with the rules:

- a. for failure to pay any service charge, fees, fines, lockbox related charges or REALTOR® charges within one (1) month of the date due, and provided that at least ten (10) days' notice has been given, the service shall be suspended until service charges or fees are paid in full
- b. for failure to comply with any other rule the provisions under "Enforcement of Rules and Disputes" shall apply.

Note: Generally, warning, censure, and the imposition of a moderate fine are sufficient to constitute a deterrent to violation of the rules and regulations of the MLS. Suspension or termination is an extreme sanction to be used in cases of extreme or repeated violation of the rules and regulations of the service. If the MLS desires to establish a series of moderate fines, they should be clearly specified in the rules and regulations. (*Amended 11/88*) **R**

Section 7.1 Applicability of Rules to Users and/or Subscribers

Non-principal brokers, sales subscribers, appraisers, and others authorized to have access to information published by the MLS are subject to these rules and regulations and may be disciplined for violations thereof provided that the user or subscriber has signed an agreement acknowledging that access to and use of MLS information is contingent on compliance with the rules and regulations. Further, failure of any user or subscriber to abide by the rules and/or any sanction imposed for violations thereof can subject the Participant (Designated Broker) to the same or other discipline. This provision does not eliminate the Participant's (Designated Broker's) ultimate responsibility and accountability for all users or subscribers affiliated with the Participant (Designated Broker). (*Adopted 4/92*)

Note: Adoption of Section 7.3 is optional and should be adopted by MLS desiring to establish authority to impose discipline on non-principal users or subscribers affiliated with MLS members or Participants. (Designated Broker) (*Adopted 4/92*) **O**

Section 7.2 Use of Fines

The imposition of fines is to constitute a deterrent to violation of Rules and Regulations of the MLS and may be used from time to time as determined by the MLS Board of Directors.

Section 7.3 MLS Listing Audits

The MLS, Inc. reserves the right to audit any MLS listings.

Meetings

Section 8 Meetings of the MLS Board of Directors

The meetings of the Participants (Designated Broker)s in the service or the MLS Board of Directors of the MLS for the transaction of business of the service shall be held in accordance with the provisions of Article 7, bylaws of the service. The MLS Board of Directors shall meet for the transaction of its business at a time and place determined by the MLS President. **R**

Section 8.1 Meetings of MLS Participants (Designated Broker)s

The Directors may call meetings of the Participants (Designated Broker)s in the Service to be known as meetings of the Multiple Listing Service.

Section 8.2 Conduct of the Meeting

The President or President Elect shall preside at all meetings or, in their absence, a temporary Chairman from the Directors shall be named by the President.

Enforcement of Rules or Disputes

Section 9 Considerations of Alleged Violations

The MLS Board of Directors shall give consideration to all written complaints from Participants (Designated Broker)s having to do with violations of the rules and regulations. *(Amended 2/98)* **M**

Section 9.1 Violations of Rules and Regulations

If the alleged offense is a violation of the rules and regulations of the Service and does not involve a charge of alleged unethical conduct or request for arbitration, it may be administratively considered and corrected 48 hours after listing agent and broker have been notified, and if a violation is determined, the MLS Board of Directors may direct the imposition of sanction*, provided the recipient of such sanction may request a hearing before the Professional Standards Committee of the Chattanooga Association of REALTORS® in accordance with the Bylaws and Rules and Regulations of the association of REALTORS® within twenty (20) days following receipt of the directors' decision. *(Amended 11/96)*

If, rather than conducting an administrative review, the MLS has a procedure established to conduct hearings, any appeal of the decision of the hearing tribunal may be appealed to the MLS Board of Directors of the MLS within twenty (20) days of the tribunal's decision. *(Amended 2/98)*

*Imposition of sanction may include imposition of a fine or other sanctions as determined by the MLS Board.

Section 9.2 Complaints of Unethical Conduct

Alleged violations involving unethical conduct shall be referred to the professional standards committee of the association of REALTORS® for processing in accordance with the professional standards procedures of the association. If the charge alleges a refusal to arbitrate, such charge shall be referred directly to the MLS Board of Directors of the association of REALTORS®. *(Amended 2/98)* **M**

Confidentiality of MLS Information

Section 10 Confidentiality of MLS Information

Any information provided by the MLS to the Participants (Designated Broker)s shall be considered official information of the service. Such information shall be considered confidential and exclusively for the use of Participants (Designated Broker)s and real estate subscribers affiliated with such Participants (Designated Broker)s and those Participants (Broker)s who are licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property and licensed or certified appraisers affiliated with such Participants (Designated Broker)s. *(Amended 4/92)* **M**

Section 10.1 MLS Responsibility for Accuracy of Information

The information published and disseminated by the service is communicated verbatim, without change by the service, as filed with the service by the Participant (Designated Broker). The service does not verify such information provided and disclaims any responsibility for its accuracy. Each Participant (Designated Broker) agrees to hold the service harmless against any liability arising from any inaccuracy or inadequacy of the information such Participant (Designated Broker) provides. **R**

Section 10.2 Access to Comparable and Statistical Information

REALTORS® who are actively engaged in real estate brokerage, management, appraising, land development, or building, but who do not participate in the MLS, are nonetheless entitled to receive by purchase or lease all information other than current listing information that is generated wholly or in part by the MLS, including comparable information,

sold information, and statistical reports. This information is provided for the exclusive use of these members and individuals affiliated with these members who are also engaged in the real estate business and may not be transmitted, retransmitted, or provided in any manner to any unauthorized individual, office, or firm, except as otherwise provided in these rules and regulations. **R**

Ownership of MLS Compilation* and Copyright

Section 11

By the act of submitting any property listing to the MLS, the Participant (Designated Broker) represents that he has been authorized to grant and also thereby does grant authority for the to include the property listing in its copyrighted MLS compilation and also in any statistical report on comparables. **M**

Section 11.1

All right, title, and interest in each copy of every Multiple Listing compilation created and copyrighted by the MLS of Chattanooga, Inc. and in the copyrights therein, shall at all times remain vested in the MLS of Chattanooga, Inc. **M**

Use of Copyrighted MLS Compilation

Section 12 Distribution

Participants (Designated Broker)s shall, at all times, maintain control over and responsibility for each copy of any MLS compilation leased to them by the association of REALTORS[®], and shall not distribute any such copies to persons other than subscribers who are affiliated with such Participant (Designated Broker) as subscribers, those individuals who are licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property, and any other subscribers as authorized pursuant to the governing documents of the MLS. Use of information developed by or published by an association MLS is strictly limited to the activities authorized under a Participant's (Designated Broker'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 or published by an association MLS where access to such information is prohibited by law. *(Amended 4/92)* **R**

*The term MLS compilation, as used in Sections 11 and 12 herein, shall be construed to include any format in which property listing data is collected and disseminated to the Participants (Designated Broker)s, including but not limited to bound book, loose-leaf binder, computer database, card file, or any other format whatever.

Section 12.1 Display

Participant (Designated Broker)s and those persons affiliated as subscribers with such Participants (Designated Broker)s shall be permitted to display the MLS compilation to prospective purchasers only in conjunction with their ordinary business activities of attempting to locate ready, willing, and able buyers for the properties described in said MLS compilation. **M**

Section 12.2 Reproduction

Option #1: Participants (Designated Broker)s or their affiliated subscribers shall not reproduce any MLS compilation or any portion thereof, except in the following limited circumstances:

Participants (Designated Broker)s or their affiliated subscribers may reproduce from the MLS compilation and distribute to prospective purchasers a reasonable** number of single copies of property listing data contained in the MLS compilation which relate to any properties in which the prospective purchasers are or may, in the judgment of the Participant (Designated Broker) or their affiliated subscribers, be interested.

Reproductions made in accordance with this rule shall be prepared in such a fashion that the property listing data of properties other than that in which the prospective purchaser has expressed interest, or in which the Participant (Designated Broker) or the affiliated subscribers are seeking to promote interest, does not appear on such reproduction.

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

Any MLS information, whether provided in written or printed form, provided electronically, or provided in any other form or format, is provided for the exclusive use of the Participant (Designated Broker) and those subscribers affiliated

with the Participant (Designated Broker) who are authorized to have access to such information. Such information may not be transmitted, retransmitted, or provided in any manner to any unauthorized individual, office, or firm.

None of the foregoing shall be construed to prevent any individual legitimately in possession of current listing information, sold information, comparables, or statistical information from utilizing such information to support an estimate of value on a particular property for a particular client. However, only such information that an association or association-owned MLS has deemed to be nonconfidential and necessary to support the estimate of value may be reproduced and attached to the report as supporting documentation. Any other use of such information is unauthorized and prohibited by these rules and regulations.

**It is intended that the Participant (Designated Broker) be permitted to provide prospective purchasers with listing data relating to properties which the prospective purchaser has a bona fide interest in purchasing or in which the Participant (Designated Broker) is seeking to promote interest. The term reasonable, as used herein, should therefore be construed to permit only limited reproduction of property listing data intended to facilitate the prospective purchaser's decision-making process in the consideration of a purchase. Factors which shall be considered in deciding whether the reproductions made are consistent with this intent and thus reasonable in number, shall include, but are not limited to, the total number of listings in the MLS compilation, how closely the types of properties contained in such listings accord with the prospective purchaser's expressed desires and ability to purchase, whether the reproductions were made on a selective basis, and whether the type of properties contained in the property listing data is consistent with a normal itinerary of properties which would be shown to the prospective purchaser.

Use of MLS Information

Section 13 Limitations on Use of MLS Information

Option #1: Use of information from MLS compilation of current listing information, from the association's statistical report, or from any sold or comparable report of the association or MLS for public mass-media advertising by an MLS Participant (Designated Broker) or in other public representations may not be prohibited.

However, any print or non-print forms of advertising or other forms of public representations based in whole or in part on information supplied by the association or its MLS must clearly demonstrate the period of time over which such claims are based and must include the following, or substantially similar, notice: **M**

Based on information from the association of REALTORS® (alternatively, from the MLS of Chattanooga, Inc. for the period.

Changes in Rules and Regulations

Section 14 Changes in Rules and Regulations

Amendments to the rules and regulations of the service shall be by consideration and approval of the MLS Board of Directors of the MLS, subject to final approval by the MLS Board of Directors of the Chattanooga Association of REALTORS® (shareholder). **M**

Arbitration of Disputes*

Section 15 Arbitration of Disputes

By becoming and remaining a participant, each participant agrees to arbitrate disputes involving contractual issues and questions, and specific non-contractual issues and questions defined in Standard of Practice 17-4 of the Code of Ethics with MLS participants in different firms arising out of their relationships as MLS participants, subject to the following qualifications. *(Amended 11/97)*

a. If all disputants are members of the same association of REALTORS® or have their principal place of business within the same association's territorial jurisdiction, they shall arbitrate pursuant to the procedures of that association of REALTORS®.

b. If the disputants are members of different associations of REALTORS® or if their principal place of business is located within the territorial jurisdiction of different associations of REALTORS®, they remain obligated to arbitrate in accordance with the procedures of the Tennessee or Georgia Association of REALTORS®.

Interboard Arbitration Procedures: Arbitration shall be conducted in accordance with any existing interboard agreement or, alternatively, in accordance with the interboard arbitration procedures in the Code of Ethics and Arbitration Manual of the NATIONAL ASSOCIATION OF REALTORS®. Nothing herein shall preclude participants from agreeing to arbitrate the dispute before a particular association of REALTORS®. *(Amended 11/98)*

*Only adopt this section if the association's MLS is open to nonmember participants (otherwise qualified individuals who do not hold REALTOR® membership anywhere). If adopted, Section 15 may not be modified.

Standards of Conduct for MLS Participants*

Section 16 Standard 16.1

MLS participants shall not engage in any practice or take any action inconsistent with exclusive representation or exclusive brokerage relationship agreements that other MLS participants have with clients. *(Amended 1/04)* ○

Section 16.2

Signs giving notice of property for sale, rent, lease, or exchange shall not be placed on property without consent of the seller/landlord. ○

Section 16.3

MLS participants acting as subagents or as buyer/tenant representatives or brokers shall not attempt to extend a listing broker's offer of cooperation and/or compensation to other brokers without the consent of the listing broker. *(Amended 1/04)* ○

Section 16.4

MLS participants shall not solicit a listing currently listed exclusively with another broker. However, if the listing broker, when asked by the MLS participant, refuses to disclose the expiration date and nature of such listing (i.e., an exclusive right-to-sell, an exclusive agency, open listing, or other form of contractual agreement between the listing broker and the client) the MLS participant may contact the owner to secure such information and may discuss the terms upon which the MLS participant might take a future listing or, alternatively, may take a listing to become effective upon expiration of any existing exclusive listing. ○

Section 16.5

MLS participants shall not solicit buyer/tenant agreements from buyers/tenants who are subject to exclusive buyer/tenant agreements. However, if asked by an MLS participant, the broker refuses to disclose the expiration date of the exclusive buyer/tenant agreement, the MLS participant may contact the buyer/tenant to secure such information and may discuss the terms upon which the MLS participant might enter into a future buyer/tenant agreement or, alternatively, may enter into a buyer/tenant agreement to become effective upon the expiration of any existing exclusive buyer/tenant agreement. *(Amended 1/98)* ○

Section 16.6

MLS participants shall not use information obtained from listing brokers through offers to cooperate made through multiple listing services or through other offers of cooperation to refer listing brokers' clients to other brokers or to create buyer/tenant relationships with listing brokers' clients, unless such use is authorized by listing brokers. *(Amended 11/01)* ○

Section 16.7

The fact that an agreement has been entered into with an MLS participant shall not preclude or inhibit any other MLS participant from entering into a similar agreement after the expiration of the prior agreement. *(Amended 1/98)* ○

Section 16.8

The fact that a prospect has retained an MLS participant as an exclusive representative or exclusive broker in one or more past transactions does not preclude other MLS participants from seeking such prospect's future business. *(Amended 1/04)* ○

Section 16.9

MLS participants are free to enter into contractual relationships or to negotiate with sellers/landlords, buyers/tenants or others who are not subject to an exclusive agreement but shall not knowingly obligate them to pay more than one commission except with their informed consent. *(Amended 1/98)* ○

*Only adopt the following standards of conduct if the association's MLS is open to nonmember participants (otherwise qualified individuals who do not hold REALTOR® membership anywhere). Any of the standards of conduct, if adopted, may not be modified.

Section 16.10

When MLS participants are contacted by the client of another MLS participant regarding the creation of an exclusive relationship to provide the same type of service, and MLS participants have not directly or indirectly initiated such discussions, they may discuss the terms upon which they might enter into a future agreement or, alternatively, may enter into an agreement which becomes effective upon expiration of any existing exclusive agreement. *(Amended 1/98)* ○

Section 16.11

In cooperative transactions, MLS participants shall compensate cooperating MLS participants (principal brokers) and shall not compensate nor offer to compensate, directly or indirectly, any of the sales licensees employed by or affiliated with other MLS participants without the prior express knowledge and consent of the cooperating broker. ○

Section 16.12

MLS participants are not precluded from making general announcements to prospects describing their services and the terms of their availability even though some recipients may have entered into agency agreements or other exclusive relationships with another MLS participant. A general telephone canvass, general mailing, or distribution addressed to all prospects in a given geographical area or in a given profession, business, club, or organization, or other classification or group is deemed general for purposes of this rule. *(Amended 1/04)*

The following types of solicitations are prohibited:

Telephone or personal solicitations of property owners who have been identified by a real estate sign, multiple listing compilation, or other information service as having exclusively listed their property with another MLS participant; and mail or other forms of written solicitations of prospects whose properties are exclusively listed with another MLS participant when such solicitations are not part of a general mailing but are directed specifically to property owners identified through compilations of current listings, for sale or for rent signs, or other sources of information intended to foster cooperation with MLS participants. *(Amended 1/04)* ○

Section 16.13

MLS participants, prior to entering into a representation agreement, have an affirmative obligation to make reasonable efforts to determine whether the prospect is subject to a current, valid exclusive agreement to provide the same type of real estate service. *(Amended 1/04)* ○

Section 16.14

MLS participants, acting as buyer or tenant representatives or brokers, shall disclose that relationship to the seller/landlord's representative or broker at first contact and shall provide written confirmation of that disclosure to the seller/landlord's representative or broker not later than execution of a purchase agreement or lease. *(Amended 1/04)* ○

Section 16.15

On unlisted property, MLS participants acting as buyer/tenant representatives or brokers shall disclose that relationship to the seller/landlord at first contact for that buyer/tenant and shall provide written confirmation of such disclosure to the seller/landlord not later than execution of any purchase or lease agreement. *(Amended 1/04)*

MLS participants shall make any request for anticipated compensation from the seller/ landlord at first contact. ○

Section 16.16

MLS participants, acting as representatives or brokers of sellers/landlords or as subagents of listing brokers, shall disclose that relationship to buyers/tenants as soon as practicable, and shall provide written confirmation of such disclosure to buyers/tenants not later than execution of any purchase or lease agreement. (Amended 1/04) ○

Section 16.17

MLS participants are not precluded from contacting the client of another broker for the purpose of offering to provide, or entering into a contract to provide, a different type of real estate service unrelated to the type of service currently being provided (e.g., property management as opposed to brokerage) or from offering the same type of service for property not subject to other brokers' exclusive agreements. However, information received through a multiple listing service or any other offer of cooperation may not be used to target clients of other MLS participants to whom such offers to provide services may be made. (Amended 1/04) ○

Section 16.18

MLS participants, acting as subagents or buyer/tenant representatives or brokers, shall not use the terms of an offer to purchase/lease to attempt to modify the listing broker's offer of compensation to subagents or buyer/tenant representatives or brokers, or make the submission of an executed offer to purchase/lease contingent on the listing broker's agreement to modify the offer of compensation. (Amended 1/04) ○

Section 16.19

All dealings concerning property exclusively listed or with buyer/tenants who are subject to an exclusive agreement shall be carried on with the client's representative or broker, and not with the client, except with the consent of the client's representative or broker or except where such dealings are initiated by the client. (Amended 1/04) ○

Before providing substantive services (such as writing a purchase offer or presenting a CMA) to prospects, MLS participants shall ask prospects whether they are a party to any exclusive representation agreement. MLS participants shall not knowingly provide substantive services concerning a prospective transaction to prospects who are parties to exclusive representation agreements, except with the consent of the prospects' exclusive representatives or at the direction of prospects. (Adopted 1/03, Amended 1/04)

Section 16.20

Participants, users, and subscribers, prior to or after terminating their relationship with their current firm, shall not induce clients of their current firm to cancel exclusive contractual agreements between the client and that firm. This does not preclude participants from establishing agreements with their associated licensees governing assignability of exclusive agreements. (Adopted 1/98) ○

Section 16.21

These rules are not intended to prohibit ethical, albeit aggressive or innovative business practices, and do not prohibit disagreements with other MLS participants involving commission, fees, compensation, or other forms of payment or expenses. ○

Section 16.22

MLS participants shall not knowingly or recklessly make false or misleading statements about competitors, their businesses, or their business practices. ○

Orientation

Section 17 Orientation

Any applicant for MLS participation and any subscriber (including licensed or certified appraisers) affiliated with an MLS Participant (Designated Broker) who has access to and use of the MLS-generated information shall complete an orientation program of no more than eight (8) classroom hours devoted to the MLS rules and regulations and computer training related to MLS information entry and retrieval and the operation of the MLS within ninety (90) days after access has been provided. (Amended 11/04) **M**

Internet Data Exchange (IDX)

Note: These model rules, originally adopted in November 2001, are updated to reflect comprehensive enhancements to the IDX policy approved in May 2005.

Section 18 **IDX Defined**

IDX affords MLS Participants (Designated Broker)s the option of authorizing display of their active listings on other Participants' (Designated Brokers') Internet Web sites. **M**

Section 18.1 **Authorization**

Participants' (Designated Brokers) consent for display of their active listings by other Participants (Designated Broker) pursuant to these rules and regulations is presumed unless a participant (Designated Broker) affirmatively notifies the MLS that the Participant (Designated Broker) refuses to permit display (either on a blanket or on a listing-by-listing basis). If a Participant (Designated Broker) refuses on a blanket basis to permit the display of that Participant's (Broker's) listings, that Participant (Designated Broker) may not download or frame the aggregated MLS data of other Participants (Broker's) listings, that Participant (Designated Broker) may not download or frame the aggregated MLS data of other Participants (Designated Broker). Even where Participants (Designated Broker) have given blanket authority for other Participants (Designated Broker) to display their listings on IDX sites, such consent may be withdrawn on a listing by listing basis as instructed by the seller. **M**

Section 18.2 **Participation**

Participation in IDX is available to all MLS Participants (Designated Broker) who consent to display of their listings by other Participants (Designated Broker).

Section 18.2.1

Participants (Designated Broker) must notify the MLS of their intention to establish and IDX site and must make their site directly accessible to the MLS for purposes of monitoring/ensuring compliance with applicable rules and policies. **M**

Section 18.2.2

Participants (Designated Broker) must protect IDX information from misappropriation by employing reasonable efforts to monitor and prevent "scraping" or other unauthorized accessing reproduction, or use of the MLS database. **M**

Section 18.2.3

Listings or property addresses of sellers who have directed their listing broker to withhold their listing or property address from display on the Internet (including but not limited to, publicly-accessible Web sites or VOWs) shall not be accessible via IDX sites. Notwithstanding this prohibition, listing brokers may display on their IDX sites or their other Web site(s) the listing property address of consenting sellers. **M**

Section 18.2.4

Participants (Designated Broker) may exclude listings from display on their IDX site based only on objective criteria including, but not limited to, factors such as geography, list price, type of property, or cooperative compensation offered by listing brokers. Examples include property type ("condos," "single family detached," "multi-family." etc.), price, or location ("downtown"). **M**

Section 18.2.5

Participants (Designated Broker) must refresh all MLS downloads and refresh all MLS data at least once every seven (7) days. **M**

Section 18.2.6

Except as provided in the rules, an IDX site or a Participant (Designated Broker) or user operating an IDX site may not distribute, provide, or make any portion of the MLS database available to any person or entity. **M**

Section 18.2.7

When displaying listing content, a Participant's (Broker's) or users' IDX site must clearly identify the name of the brokerage firm under which they operate in a readily visible color and typeface. **M**

Section 18.3 Display

Display of listing information pursuant to IDX is subject to the following rules:

Note: All of the following rules are optional but, if adopted, can not be modified. Select those rules which apply to your IDX program and number the sections accordingly.

Section 18.3.1

Listings displayed pursuant to IDX shall contain only those fields of data designated by the MLS. Display of all other fields (as determined by the MLS) is prohibited. Confidential fields intended only for other MLS Participants (Designated Broker) and uses (e.g., cooperative compensations offers, showing instructions, property security information, etc.) may not be displayed on IDX sites. **O**

Section 18.3.2: Participants (Designated Broker) shall determine which listings or the types of listings they will display on their website. Examples include property type ("condos," single-family detached," "multi-family," etc.) price, or location ("downtown").

Section 18.3.3

Participants (Designated Broker) shall not modify or manipulate information relating to other Participants' (Designated Broker) listings. (This is not a limitation on site of design but refers to changes to actual listing data).

Section 18.3.3

All listings displayed pursuant to IDX shall identify the listing firm in a readily visible color and typeface not smaller than the medium used in the display of listing data. **O**

Section 18.3.4

Non-principal brokers and sales subscribers affiliated with IDX Participants (Designated Broker) may display information available through IDX on their own Web sites subject to their Participant's (Broker's) consent and control and the requirements of state law and/or regulation. **O**

Section 18.3.5

All listings displayed pursuant to IDX shall show the MLS as the source of the information. **O**

Section 18.3.6

Participants (Designated Broker) and their affiliated subscribers, if applicable) shall indicate on their Web sites that IDX information is provided exclusively for consumers' personal, non-commercial use, that it may not be used for any purpose other than to identify prospective properties consumers may be interested in purchasing, and that the data is deemed reliable but is not guaranteed accurate by the MLS. The MLS may, at its discretion, require use of other disclaimers as necessary to protect Participants (Designated Broker) and/or the MLS from liability. **O**

Section 18.3.7

The right to display other Participants' (Designated Broker)' listings pursuant to IDX shall be limited to a Participant's (Broker's) office(s) holding participatory rights in this MLS. **O**

Section 18.3.8

Listings obtained through IDX must be displayed separately from listings obtained from other sources, including information provided by other MLS. Listings obtained from other sources (e.g., from other MLS, from non-participating brokers, etc.) must display the source from which each such listing was obtained. **O**

Section 18.3.9

Display of expired, withdrawn, and pending listings is prohibited. ○

Section 18.3.10

Display of seller's ('s) (and/or occupant's) name(s), phone number(s), and email address(es) is prohibited. ○

Note: The following Sections 18.3.14 and 18.3.15 may be adopted by the MLS that provide Participants (Designated Broker) with a "persistent" download (i.e., where the MLS database resides on Participants' (Designated Brokers') servers of the MLS database.

Section 18.3.11

Participants (Designated Broker) are required to employ appropriate security protections such as fire walls, provided that any security measures required may not be greater than those employed by the MLS. ○

Section 18.3.12

IDX operators must maintain and audit trail of consumer activity on the IDX site and make that information available to the MLS if the MLS believes the IDX site has caused or permitted a breach in the security of the data or a violation of MLS rules related to use by consumers. ○

Section 18.3.13

No portion of the IDX database shall be used or provided to a third party for any purpose other than those expressly provided in these rules.

Rev 01/19/07