

86-3-7. Advertising. (a) ~~All advertising, except on property which is not listed with a broker and which is personally owned by a licensee or in which a licensee may have an interest, shall include the name of the broker by using the broker's trade or business name and such other information as the broker considers necessary. The use of only a post office box number, telephone number or street address shall be deemed a violation of K.S.A. 58-3062(a)(1).~~

~~(b) Unless property personally owned by a licensee or property in which a licensee may have an interest is listed with a broker, all advertising caused by the licensee on such property shall be done in such a manner as to clearly inform the public that a real estate broker, associate broker or salesperson is the owner of or has an interest in the property advertised.~~

~~(c) A real estate broker who enters into an agreement which authorizes the broker to utilize the name or trade name of any other person in the conduct of the broker's real estate business shall file a copy of such agreement in the public records of the commission. The term "trade name" shall include, but not be limited to, trademark, service mark or trade identification. Failure to comply with this section shall be deemed a violation of K.S.A. 58-3062(a)(1).~~

~~(d) A broker shall not advertise or promote the broker's business in a manner that would confuse, hinder or mislead the public as to the identity of the broker responsible for the debts and liabilities of the business or entity. Violation of this section shall be deemed a violation of K.S.A. 58-3062(a)(1). For the purposes of this regulation and K.S.A. 58-3034 et seq. and amendments thereto, "advertisement" and "advertising" shall mean communication in any form of media between a licensee or other entity acting on behalf of one or more licensees and consumers or the public, for any purpose related to licensed real estate activity. These terms shall include business cards, signs, insignias, letterheads, telephone or electronic mail, radio, television, newspaper and~~

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magazine advertisements, internet advertising, web sites, social media or social networking, display or group advertisements in telephone directories, and billboards.

(b) No employed or associated salesperson or associate broker may include in an advertisement a name or team name that meets any of the following conditions:

(1) Uses the term “realty,” “brokerage,” “company,” or any other term that can be construed as a real estate company separate from the supervising broker’s company;

(2) is more than two times larger in font size than the font size of the supervising broker’s trade name or business name; or

(3) is not adjacent to the supervising broker’s trade name or business name in any internet, web site, social media, or social networking advertisement.

(c) The context of an advertisement may be considered by the commission when determining whether the employed or associated salesperson or associate broker committed a violation under subsection (b).

This regulation shall be effective on and after July 1, 2020. (Authorized by K.S.A. 2019 Supp. 74-4202(b); implementing K.S.A. 1992 Supp. 58-3062(a)(1) K.S.A. 2019 Supp. 58-3086; effective Jan. 1, 1966; amended Jan. 1, 1974; amended, E-76-18, April 29, 1975; modified, L. 1976, ch. 332, May 1, 1976; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended Dec. 20, 1993; amended P- \_\_\_\_\_.)

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