

MEMORANDUM

TO: MLS PARTICIPANTS

FROM: NICK CAMPO, MLS CHAIRMAN

DATE: APRIL 1, 2017

RE: PROPOSED CHANGES TO MLS RULES AND REGULATIONS

This is to advise you of proposed changes to the Capital Area REALTORS Multiple Listing Service rules. These proposed changes will be voted on April 11, 2017 beginning at 8:15 a.m. at the Capital Area REALTORS (3149 Robbins Road, Springfield). RSVPs are required to assist in planning. To RSVP contact Susan Hall at 217/698-7000 or admin@caaronline.com.

The verbiage of these proposed changes is outlined below. The underlined wording indicates new language to be added while the ~~strikeouts~~ indicate language to be deleted. Please be aware that only those sections and subsections being amended are included in this correspondence. Also, please note that certain amendments are deemed mandatory by NAR. These have been denoted with the word “MANDATORY” next to the change. Both the MLS Committee and the Board of Directors have reviewed these proposed changes and recommend approval.

Modifies Section IV (Listing Procedures), subparagraph B and subparagraph F, as follows:

This proposed change would clarify that the “listing date” entered into the MLS shall be deemed to be the beginning date of the marketing period or, in the absence of a marketing period, the date the listing agreement was signed.

Modifies Section IV (Listing Procedures), subparagraph K (Jurisdiction), as follows:

Knox, Henderson and Warren Counties were added to the definition of CAR’s MLS jurisdiction.

Modifies Section VIII (Copyright and Use of MLS Information), subparagraph F(1)(e), as follows:

This language is secures the rights of MLS Participants to utilize MLS content for valuation purposes, including automated valuations. **(MANDATORY)**

Modifies Section VIII (Copyright and Use of MLS Information), as follows:

Adds a "Note" after paragraph M with explanatory information regarding the Digital Millennium Copyright Act (DMCA). ***(MANDATORY)***

Modifies Section IX [BROKER RECIPROCITY (also known as INTERNET DATA EXCHANGE)], as follows:

Subparagraph B(5) was amended as follows: Participants must refresh all MLS downloads and IDX displays automatically fed by these downloads at least once every ~~three (3) days~~ 12 hours. ***(MANDATORY)***

Subparaph C(3). Verbiage added to this section states that Participants may augment their IDX display of MLS data with applicable property information from other sources to appear on the same webpage or display as long as it is separated by the data supplied by the MLS. ***(MANDATORY)***

Subparagraph C(9). Verbiage added to this section states that Participants may co-mingle the listings of other brokers received in an IDX feed with listings available from other MLS IDX feeds, provided all such displays are consistent with the IDX rules, and the MLS Participant or MLS Subscriber holds participatory rights in those MLSs. Co-mingling is also defined. ***(MANDATORY)***

Subparagraph C(10). Removes language referring the the limitation on co-mingling of data across different MLSs that Participants may hold participatory rights in. ***(MANDATORY)***

Subparagraph C(11). Was amended as follows: Display of active, expired, or withdrawn; pending (no showings) or sold listings is prohibited. Pending (continue to show) listings are permitted as is Information relative to price changes is permitted. ***(MANDATORY)***

Modifies Section X [VIRTUAL OFFICE WEBSITES(VOWs)], Section 19.15, as follows:

A Participant's VOW may not make available for search by, or display to, Registrants any of the following information:

- a. ~~(Omitted)~~ Expired and withdrawn listings.
- b. The compensation offered to other MLS Participants.
- c. ~~(Omitted)~~ The Type of listing agreement, ie, exclusive right-to-sell or exclusive agency.
- d. The seller's and occupant's name(s), phone number(s), or e-mail address(es).
- e. Instructions or remarks intended for cooperating brokers only, such as those regarding showings or security of listed property.
- f. ~~(Omitted)~~

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Amends Section XII (COMPLIANCE WITH RULES - AUTHORITY TO IMPOSE DISCIPLINE) pertaining to probationary status. **(MANDATORY)**

Amends Section XIII (AMENDMENTS) to streamline the manner in which rule changes are approved.

This proposed change gives the board of directors authority to make changes to these rules upon a majority vote. This proposed change also requires the board to give due consideration to any and all rule changes recommended by the MLS Committee. This verbiage eliminates the requirement that rule changes must be approved by a vote of the MLS Participant.

It is important to note that the intent, upon adoption of this change, would be for all proposed rule changes to be noticed to MLS Participants thirty days prior to consideration by the board of directors. This will provide an opportunity for Participants to voice any concerns they may have prior to final consideration.

Finally, included among these changes are various clean-up.

Questions regarding these proposed changes may be directed to Dan Sale at 217/698-7000 or dsale@caaronline.com.