

CAPITAL AREA TECHNOLOGY & REALTOR® SERVICES, INC. (CATRS)

A wholly-owned subsidiary of the Tallahassee Board of REALTORS®, Inc. (TBR)

Multiple Listing Service Rules and Regulations

Table of Contents

Section	Page #
Section 1 Listing Procedures	2
Section 2 Selling Procedures	7
Section 3 Prohibitions	9
Section 4 Division of Commissions	10
Section 5 Service Charges	13
Section 6 Compliance with Rules	13
Section 7 Meetings	14
Section 8 Enforcement of Rules or Disputes	15
Section 9 Confidentiality of MLS Information	15
Section 10 Ownership of MLS Compilation	15
Section 11 MLS Compilation Copyright	16
Section 12 Use of MLS Information	18
Section 13 Changes in Rules and Regulations	18
Section 14 Arbitration of Disputes	18
Section 15 Standards of Conduct for MLS Participants	19
Section 16 Orientation	23
Section 17 Internet Data Exchange (IDX)	23
Section 18 Virtual Office Websites (VOWs)	29
Section 19 Lockbox Entry System	34

1 Listing Procedures

[Top](#)

3 Section 1 Listing Procedures

4 Listings of real or personal property of the following types, which are listed subject to a real estate broker's
5 license, and are taken by participants on Exclusive Right of Sale or Exclusive Agency listing agreements
6 shall be delivered to the multiple listing service within 24 hours after all necessary signatures of seller(s)
7 have been obtained or the agreed to in writing between the Listing Broker and the Seller.

8
9 **Note 1:** The multiple listing service shall not require a participant to submit listings on a form other than the
10 form the participant individually chooses to utilize provided the listing is of a type accepted by the
11 service, although a property data form may be required as approved by the multiple listing service.
12 However, the multiple listing service, through its legal counsel:

- 13 • Reserves the right to refuse to accept a listing form which fails to adequately protect the
14 interests of the public and the participants
- 15 • Assures that no listing form filed with the multiple listing service establishes, directly or
16 indirectly, any contractual relationship between the multiple listing service and the client
17 (buyer or seller)

18
19 The listing agreement must include the seller's written authorization to submit the agreement to the
20 multiple listing service.

21
22 **Note 2:** A multiple listing service does not regulate the type of listings its members may take. This does not
23 mean that a multiple listing service must accept every type of listing. The multiple listing service shall
24 decline to accept open listings (except where acceptance is required by law) and net listings, and it
25 may limit its service to listings of certain kinds of property. But, if it chooses to limit the kind of
26 listings it will accept, it shall leave its members free to accept such listings to be handled outside the
27 multiple listing service.

28
29 **Note 3:** CATRS multiple listing service accepts exclusively listed property that is subject to auction. Such
30 listings have the same requirements as other listings in any given Class, including the listing price.

31 Section 1.01 Clear Cooperation

32 Within one (1) business day of marketing a property to the public, the listing broker must submit the
33 listing to the MLS for cooperation with other MLS participants. Public marketing includes, but is not
34 limited to, flyers displayed in windows, yard signs, digital marketing on public facing websites,
35 brokerage website displays (including IDX and VOW), digital communications marketing (email
36 blasts), multi-brokerage listing sharing networks, and applications available to the general public.
37 This policy applies to the Residential property class only. (*Adopted 3/30/2020*)

38
39
40 **Note:** Exclusive listing information for required property types must be filed and distributed to other
41 MLS Participants for cooperation under the Clear Cooperation Policy. This applies to listings
42 filed under Section 1 and listings exempt from distribution under Section 1.3 of the NAR model
43 MLS rules, and any other situation where the listing broker is publicly marketing an exclusive
44 listing that is required to be filed with the service and is not currently available to other MLS
45 Participants.

48 **Section 1.1 Classes of Properties**

49 Following are the classes of properties that may be published through the service. Any listing submitted is
50 entered into within the scope of the participant's licensure as a real estate broker:

- 51 • Residential (Single Family detached, Condos, Townhomes and Mobile homes as part of real
52 property)
- 53 • Multifamily (Apartments, and duplexes)
- 54 • Commercial, Professional, Industrial and Businesses
- 55 • Lots & Land
- 56 • Residential Rentals

57

58 **Section 1.1.1 Listing Subject to Rules and Regulations of the Service**

59 Any listing taken on a contract to be filed with the multiple listing service is subject to the rules and
60 regulations of the service upon signature of the seller(s).

61

62 **Section 1.2 Detail on Listings Filed with the Service**

63 A listing agreement or property data form, when filed with the multiple listing service by the listing broker,
64 shall be complete in every detail which is ascertainable as specified on the property data form.

65

66 **Section 1.2.1 Limited Service Listings**

67 Listing agreements under which the listing broker will not provide one, or more, of the following services:

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

75 will be identified by selecting Limited Service option in the Listing Type field in MLS compilations so
76 potential cooperating brokers will be aware of the extent of the services the listing broker will provide to the
77 seller(s), and any potential for cooperating brokers being asked to provide some or all of these services to
78 listing brokers' clients, prior to initiating efforts to show or sell the property.

79

80 **Section 1.2.2 MLS Entry-only Listings**

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

- 82 a. arrange appointments for cooperating brokers to show listed property to potential purchasers but
83 instead gives cooperating brokers authority to make such appointments directly with the seller(s)
- 84 b. accept and present to the seller(s) offers to purchase procured by cooperating brokers but instead
85 gives cooperating brokers authority to present offers to purchase directly to the seller(s)
- 86 c. advise the seller(s) as to the merits of offers to purchase
- 87 d. assist the seller(s) in developing, communicating, or presenting counter-offers
- 88 e. participate on the seller's(s') behalf in negotiations leading to the sale of the listed property will be
89 identified with an appropriate code (ERS MLS Entry Only) in the Listing Type Feature Field in MLS
90 compilations so potential cooperating brokers will be aware of the extent of the services the listing
91 broker will provide to the seller(s), and any potential for cooperating brokers being asked to provide
92 some or all of these services to listing brokers' clients, prior to initiating efforts to show or sell the
93 property.

94

95 **Section 1.3 Change of Status of Listing**
96 Any change in listed price or other change in the original listing agreement shall be made only when
97 authorized in writing by the seller and shall be filed with the service within twenty-four (24) hours after the
98 authorized change is received by the listing broker.
99

100 **Section 1.4 Withdrawal of Listing Prior to Expiration**
101 Listings of property may be withdrawn from the multiple listing service by the listing broker before the
102 expiration date of the listing agreement, provided notice is filed with the service, including a copy of the
103 agreement between the seller and the listing broker which authorizes the withdrawal.
104

105 Sellers do not have the unilateral right to require an MLS to withdraw a listing without the listing broker's
106 concurrence. However, when a seller(s) can document that his exclusive relationship with the listing
107 broker has been terminated, the multiple listing service may remove the listing at the request of the seller.
108

109 **Section 1.5 Contingencies Applicable to Listings**
110 Any contingency or conditions of any term in a listing shall be specified and noticed to the participants. The
111 listing status shall be changed to CONTINGENT and contingencies shall be noted in the Confidential
112 Remarks field on the first line.
113

114 **Section 1.6 Listing Price Specified**
115 The full gross listing price stated in the listing contract will be included in the information published in the
116 MLS compilation of current listings.
117

118 **Section 1.7 Listing Multiple Unit Properties**
119 All properties which are to be sold or which may be sold separately must be indicated individually in the
120 listing and on the property data form. When part of a listed property has been sold, proper notification should
121 be given to the multiple listing service.
122

123 **Section 1.8 No Control of Commission Rates or Fees Charged to Participants**
124 The multiple listing service shall not fix, control, recommend, suggest, or maintain commission rates or fees
125 for services to be rendered by participants. Further, the multiple listing service shall not fix, control,
126 recommend, suggest, or maintain the division of commissions or fees between cooperating participants or
127 between participants and nonparticipants.
128

129 **Section 1.9 Expiration of Listings**
130 Listings filed with the multiple listing service will automatically be removed from the compilation of current
131 listings on the expiration date specified in the agreement, unless prior to that date the MLS receives notice
132 that the listing has been extended or renewed.
133 If notice of renewal or extension is received after the listing has been removed from the compilation of
134 current listings, the extension or renewal will be published in the same manner as a new listing. Extensions
135 and renewals of listings must be signed by the seller(s) and filed with the service.
136

137 **Section 1.10 Termination Date on Listings**
138 Listings filed with the service shall bear a definite and final termination date, as negotiated between the
139 listing broker and the seller.
140

141 **Section 1.11 Service Area**

142 Only listings of the designated types of property located within the service area of the MLS are required to
143 be submitted to the service. Listings of property located outside the MLS's service area will be accepted if
144 submitted voluntarily by a participant, but cannot be required by the service. *(Amended 12/18)*
145

146 **1.12 Listing of Suspended Participants**

147 When a participant of the service is suspended from the MLS for failing to abide by a membership duty (i.e.,
148 violation of the Code of Ethics, association bylaws, MLS bylaws, MLS rules and regulations, or other
149 membership obligation except failure to pay appropriate dues, fees, or charges), all listings currently filed
150 with the MLS by the suspended participant shall, at the participant's option, be retained in the service until
151 sold, withdrawn or expired, and shall not be renewed or extended by the MLS beyond the termination date of
152 the listing agreement in effect when the suspension became effective. If a participant has been suspended
153 from the association (except where MLS participation without association membership is permitted by law)
154 or MLS (or both) for failure to pay appropriate dues, fees, or charges, an association MLS is not obligated to
155 provide MLS services, including continued inclusion of the suspended participant's listings in the MLS
156 compilation of current listing information. Prior to any removal of a suspended participant's listings from the
157 MLS, the suspended participant should be advised, in writing, of the intended removal so that the suspended
158 participant may advise his clients.
159

160 **Section 1.13 Listing of Expelled Participants**

161 When a participant of the service is expelled from the MLS for failing to abide by a membership duty (i.e.,
162 violation of the Code of Ethics, association bylaws, MLS bylaws, MLS rules and regulations, or other
163 membership obligations except failure to pay appropriate dues, fees, or charges), all listings currently filed
164 with the MLS by the expelled participant shall, at the participant's option, be retained in the service until
165 sold, withdrawn, or expired, and shall not be renewed or extended by the MLS beyond the termination date
166 of the listing agreement in effect when the expulsion became effective. If a participant has been expelled
167 from the association (except where MLS participation without association membership is permitted by law)
168 or MLS (or both) for failure to pay appropriate dues, fees, or charges, an association MLS is not obligated to
169 provide MLS services, including continued inclusion of the expelled participant's listings in the MLS
170 compilation of current listing information. Prior to any removal of an expelled participant's listings from the
171 MLS, the expelled participant should be advised, in writing, of the intended removal so that the expelled
172 participant may advise his clients.
173

174 **Section 1.14 Listing of Resigned Participants**

175 When a participant resigns from the MLS, the MLS is not obligated to provide services, including continued
176 inclusion of the resigned participant's listings in the MLS compilation of current listing information. Prior to
177 any removal of a resigned participant's listings from the MLS, the resigned participant should be advised, in
178 writing, of the intended removal so that the resigned participant may advise his clients.
179

180 **Section 1.15 Transfer of Listings**

181 Listings cannot be transferred within the MLS from one Participant to another Participant without the signed
182 consent of the listing broker.
183

184 **Section 1.16. CO-EXCLUSIVE LISTINGS**

185 Any co-exclusive right of sale listing shall be submitted to the MLS on one listing contract with the agency
186 clearly identified. The listing contract must include a clear indication regarding which of the "co-exclusive"
187 agents controls the terms of the offer of cooperation and compensation or is empowered to make
188 modifications to such offers. If each "co-exclusive" agent is empowered to make such changes independent

189 of the other, it must be indicated with specificity.

190

191 **Section 1.17. PHOTO REQUIREMENT**

192 At least one photograph of the property is required for ALL classes of listings, with the exception of Lots
193 and Land; a front elevation or sketch may be substituted for proposed or under construction. Participants and
194 subscribers must input a photo(s) in the MLS in order for the listing to become Active. The photo must be
195 the exterior, front of the building (Brands and personal images are prohibited). If CATRS MLS discovers
196 that the photo or rendering is inaccurate the MLS will send notice to the listing agent to correct the listing
197 within 48 hours with an accurate photo or his/her service will be suspended and there will be a fine of \$100
198 per inaccurate listing imposed. If an agent is suspended, his/her broker must input the accurate photo and the
199 fine(s) must be paid prior to the service being reinstated. If the offending member is a broker, he/she must
200 submit an accurate digital photo to the MLS and the fine(s) must be paid. (Adopted 2/13/2004, revised
201 4/2006, 5/2008, 4/2013, 4/2016)

202

203 Exception to the Photo Requirement: A photograph will not be required if Sellers expressly direct in writing
204 that photographs or other graphic representations of the property be withheld from the MLS compilation.
205 Such directions from the Seller must be filed with the MLS.

206

207 **1.18. MULTIPLE ENTRIES OF PROPERTY**

208 Multiple listings for the same property (parcel ID), may only be entered for search purposes to identify
209 differing numbers of bedrooms, within the same class. Example: listing 1234 Main Street as a 3 bedroom,
210 with an office (MLS # 123456) and listed as a 4 bedroom (MLS# 123457) or if the property could be used as
211 an office, it could be entered in the Commercial Class (MLS# 123458) as well.

212

213 If a property is entered multiple times within the same class (e.g. Residential, Lots & Lands, Multi-family,
214 Rental or Commercial), no other field may differ except “# of bedrooms,” other differences in property
215 information would constitute an improper entry and be subject to a fine.

216

217 **1.19. CONTACT INFORMATION IN PUBLIC FIELDS**

218 Public Fields are for information on the property. No contact information is allowed in non-confidential
219 fields (fields designed for agents to transmit to clients/customers). Contact information includes but is not
220 limited to: QR Codes, Phone Numbers, URLs, Branded Virtual Tours, Hyperlinks, and any words that
221 solicits contact (e.g. Call, Reach, Text, etc.). (Adopted 1/25/2016; Revised 10/21/2021)

222

223 **1.20. NEW CONSTRUCTION FEATURE CODE**

224 In order to identify a listing as New Construction in the MLS features section, a permit must be pulled and
225 construction or clearing must have commenced, i.e. dirt must be turned. (Adopted 1/25/2016)

226

227 **1.21. Auditing Listing Agreements**

228 In order to ensure accuracy of MLS listings, the CATRS MLS may request a copy of the listing agreement
229 between the Seller and the broker. The broker shall deliver the listing agreement and all subsequent written
230 agreements to the MLS within 1 business day of the request. The MLS may randomly audit brokers' listings
231 or request based on a complaint to the MLS. (January 2019)

232

233 **Section 1.22. Property Addresses**

234 At the time of filing a listing, participants and subscribers must include a property address available to other
235 participants and subscribers, and if an address doesn't exist a parcel identification number can be used.
236 Where an address or parcel identification number are unavailable, the information filed with the MLS must
237 include a legal description of the property sufficient to describe its location. **M**

238 **Selling Procedures**

[Top](#)

239
240 **Section 2 Showings and Negotiations**

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

- 244 a. the listing broker gives the cooperating broker specific authority to show and/or negotiate directly, or
- 245 b. after reasonable effort, the cooperating broker cannot contact the listing broker or his representative;
246 however, the listing broker, at his option, may preclude such direct negotiations by cooperating
247 brokers.

248
249 **Section 2.1 Presentation of Offers**

250 The listing broker must make arrangements to present the offer as soon as possible, or give the cooperating
251 broker a satisfactory reason for not doing so.

252
253 **Section 2.2 Submission of Written Offers**

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

258
259 Participants representing buyers or tenants shall submit to the buyer or tenant all offers and counter-offers
260 until acceptance, and shall recommend that buyers and tenants obtain legal advice where there is a question
261 about whether a pre-existing contract has been terminated.

262
263 **Section 2.3 Right of Cooperating Broker in Presentation of Offer**

264 The cooperating broker (subagent or buyer agent) or his representative has the right to participate in the
265 presentation to the seller or lessor of any offer he secures to purchase or lease. He does not have the right to
266 be present at any discussion or evaluation of that offer by the seller or lessor and the listing broker. However,
267 if the seller or lessor gives written instructions to the listing broker that the cooperating broker not be present
268 when an offer the cooperating broker secured is presented, the cooperating broker has the right to a copy of
269 the seller's or lessor's written instructions. None of the foregoing diminishes the listing broker's right to
270 control the establishment of appointments for such presentations.

271
272 **Section 2.4 Right of Listing Broker in Presentation of Counter-offer**

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

279
280 **Section 2.5 Reporting Sales to the Service**

281 Status changes, including final closing of sales, shall be reported to the multiple listing service by the listing
282 broker within 24 hours after they have occurred. If negotiations were carried on under Section 2 a. or b.
283 hereof, the cooperating broker shall report accepted offers to the listing broker within 24 hours after
284 occurrence and the listing broker shall report them to the MLS within 24 hours after receiving notice from
285 the cooperating broker.

286 **Note:** The listing agreement of a property filed with the MLS by the listing broker should include a provision
287 expressly granting the listing broker authority to advertise; to file the listing with the MLS; to provide
288 timely notice of status changes of the listing to the MLS; and to provide sales information including
289 selling price to the MLS upon sale of the property. If deemed desirable by the MLS to publish sales
290 information prior to final closing (settlement) of a sales transaction, the listing agreement should also
291 include a provision expressly granting the listing broker the right to authorize dissemination of this
292 information by the MLS to its participants.
293

294 **Section 2.5.1 Sold/Comp Listings Entered into the Service**

295 A Comp Only listing is a listing that closed and was not listed in the MLS. There are multiple situations that
296 may constitute this handling, such as a property that was for sale without a listing agent and was sold through
297 the efforts of a buyer agent. A closed property that is not listed in the MLS may be entered into the CATRS
298 MLS database for comparable purposes. It is beneficial to enter these listings into the database for
299 comparable purposes.
300

301 **Sold/Comp Listings Requirements (Amended 4/2022)**

- 302
- 303 • Only listings in the CATRS MLS geographic service area may be entered in for comp
304 purposes. The geographic service area is defined as the following Florida counties: Leon,
305 Gadsden, Wakulla, Taylor, Jefferson, Madison, Liberty, Franklin & Jackson (Does not
306 include 30A). Sold/Comp properties that are not located in the CATRS MLS Service Area
307 will not be permitted in the MLS.
- 308 • Sold/Comp Out of Area listings will be placed in a “canceled” status by compliance staff.
309 Notice of cancelation will be sent to listing agent as confirmation of change. (Amended
310 7/2022)
- 311 • Sold/Comp properties that are entered into the MLS must have a recorded sale from public
312 record documented. The MLS Sold/Comp listing should reflect the side of the transaction that
313 the agent represented.
- 314 • Sold/Comp listings may be entered into the MLS up to 30 calendar days after the closing date.
- 315 • Sold/Comp properties will be entered into the MLS system with the newly created status of
316 "Sold/Comp"
- 317 • If the agent represented the "Buyer Only" they will select that option in the "Sold/Comp
318 Type" field. When completing the "List Agent" field, Paragon will convert this field to “TBR
319 Nonmember” at input. The agent will be reflected as the selling agent under the Sold section
320 of listing input.
- 321 • Pro Bono sales transactions and Agent Owned sold transactions may be placed in MLS using
322 the Sold/Comp status. (Amended 7/2022)
- 323 • When entering a “Sold/Comp” listing, all data fields must be completely filled out and
324 accurate.
- 325 • Supporting documentation for sale and viewable only by MLS staff must be
326 uploaded before saving the listing for comp purposes. For ex, one time
327 commission agreement, closing disclosure.
- 328 • All requested documentation for “Sold/Comp” listings must be received by
329 CATRS within one (1) business day of confirmed contact with the Designated
330 Broker. If a listing is improperly entered or supporting documentation is not
331 received in the required amount of time, the CATRS MLS may remove it from
332 the database.

- Participants warrant and represent to CATRS and its other Participants that: i. the information submitted to CATRS is accurate to the best of their knowledge and belief and relates to the subject property ii. the submitting Participants have the written authorization from the parties involved to upload the property to the CATRS MLS database.
- “Comp/Sold” listings are subject to all CATRS MLS Rules & Regulations including the CATRS MLS Fine Policy located at the following URL: <https://tbrnet.org/docs-menu/tbr-document-uploads/catrs-documents/219-mls-fine-policy-1/file.html>
- Sold/Comp listings input after January 1, 2022, will be subject to revised Sold/Comp rule and existing MLS Fine policies and procedures. (Amended 7/2022)

Section 2.6 Reporting Resolution of Contingencies

The listing broker shall report to the multiple listing service within twenty-four (24) hours that a contingency on file with the multiple listing service has been fulfilled or renewed, or the agreement cancelled.

Section 2.7 Advertising of Listings Filed with the Service

A listing shall not be advertised by any participant other than the listing broker without the prior consent of the listing broker.

Section 2.8 Reporting Cancellation of Pending Sale

The listing broker shall report immediately to the multiple listing service the cancellation of any pending sale, and the listing shall be reinstated immediately.

Section 2.9 Disclosing the Existence of Offers

Listing brokers, in response to inquiries from buyers or cooperating brokers, shall, with the seller’s approval, disclose the existence of offers on the property. Where disclosure is authorized, the listing broker shall also disclose, if asked, whether offers were obtained by the listing licensee, by another licensee in the listing firm, or by a cooperating broker.

Section 2.10 Availability of Listed Property

Listing brokers shall not misrepresent the availability of access to show or inspect listed property.

Prohibitions

[Top](#)

Section 3 Information for Participants 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.

Section 3.1 For Sale Signs

Only the for sale sign of the listing broker may be placed on a property.

Section 3.2 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.

380 **Section 3.3 Solicitation of Listing Filed with the Service**

381 Participants shall not solicit a listing on property filed with the service unless such solicitation is consistent
382 with Article 16 of the REALTORS[®] Code of Ethics, its Standards of Practice, and its Case Interpretations.
383

384 **Note:** This section is to be construed in a manner consistent with Article 16 of the Code of Ethics and
385 particularly Standard of Practice 16-4. This section is intended to encourage sellers to permit their
386 properties to be filed with the service by protecting them from being solicited, prior to expiration of the
387 listing, by brokers and salespersons seeking the listing upon its expiration.
388

389 Without such protection, a seller could receive hundreds of calls, communications, and visits from
390 brokers and salespersons who have been made aware through MLS filing of the date the listing will
391 expire and desire to substitute themselves for the present broker.
392

393 This section is also intended to encourage brokers to participate in the service by assuring them that
394 other participants will not attempt to persuade the seller to breach the listing agreement or to interfere
395 with their attempts to market the property. Absent the protection afforded by this section, listing brokers
396 would be most reluctant to generally disclose the identity of the seller or the availability of the property
397 to other brokers.
398

399 This section does not preclude solicitation of listings under the circumstances otherwise recognized by
400 the Standards of Practice related to Article 16 of the Code of Ethics.
401

402 **Section 3.4 Use of the Terms MLS and Multiple Listing Service**

403 No MLS participant, subscriber, or licensee affiliated with any participant shall, through the name of their
404 firm, their URLs, their e-mail addresses, their website addresses, or in any other way represent, suggest, or
405 imply that the individual or firm is an MLS, or that they operate an MLS. Participants, subscribers and
406 licensees affiliated with participants shall not represent, suggest, or imply that consumers or others have
407 direct access to MLS databases, or that consumers or others are able to search MLS databases available only
408 to participants and subscribers. This does not prohibit participants and subscribers from representing that
409 any information they are authorized under MLS rules to provide to clients or customers is available on their
410 websites or otherwise.
411

412 **Division of Commissions**

[Top](#)

414 **Section 4 Compensation Specified on Each Listing**

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

428 listing broker communicated to cooperating brokers that the commission established in the listing agreement
429 might not be paid.

430
431 In filing a property with the multiple listing service of an association of REALTORS[®], the participant of the
432 service is making blanket unilateral offers of compensation to the other MLS participants, and shall therefore
433 specify on each listing filed with the service, the compensation being offered to the other MLS participants.
434 Specifying the compensation on each listing is necessary, because the cooperating broker has the right to
435 know what his compensation shall be prior to his endeavor to sell.*

436 The listing broker retains the right to determine the amount of compensation offered to other participants
437 (acting as subagents, buyer agents, or in other agency or nonagency capacities defined by law) which may be
438 the same or different.

439
440 *The compensation specified on listings filed with the multiple listing service shall appear in one of two
441 forms. The essential and appropriate requirement by an association multiple listing service is that the
442 information to be published shall clearly inform the participants as to the compensation they will receive in
443 cooperative transactions, unless advised otherwise by the listing broker, in writing, in advance of submitting
444 an offer to purchase. The compensation specified on listings published by the MLS shall be shown in one of
445 the following forms:

- 446 1. by showing a percentage of the gross selling price
- 447 2. by showing a definite dollar amount

448 This shall not preclude the listing broker from offering any MLS participant compensation other than the
449 compensation indicated on any listing published by the MLS, provided the listing broker informs the other
450 broker, in writing, in advance of submitting an offer to purchase, and provided that the modification in the
451 specified compensation is not the result of any agreement among all or any other participants in the service.
452 Any superseding offer of compensation must be expressed as either a percentage of the gross sales price or
453 as a flat dollar amount.

454
455 **Note 1:** The multiple listing service shall not have a rule requiring the listing broker to disclose the amount
456 of total negotiated commission in his listing contract, and the association multiple listing service shall
457 not publish the total negotiated commission on a listing which has been submitted to the MLS by a
458 participant. The association multiple listing service shall not disclose in any way the total commission
459 negotiated between the seller and the listing broker.

460 **Note 2:** The listing broker may, from time to time, adjust the compensation offered to other multiple listing
461 service participants for their services with respect to any listing by advance published notice to the
462 service so that all participants will be advised.

463 **Note 3:** The multiple listing service shall make no rule on the division of commissions between participants
464 and nonparticipants. This should remain solely the responsibility of the listing broker.

465 **Note 4:** The CATRS Multiple listing services permits listing brokers to communicate to potential
466 cooperating brokers that gross commissions established in listing contracts are subject to court
467 approval, and that compensation payable to cooperating brokers may be reduced if the gross
468 commission established in the listing contract is reduced by a court. In such instances, the fact that the
469 gross commission is subject to court approval and either the potential reduction in compensation
470 payable to cooperating brokers or the method by which the potential reduction in compensation will
471 be calculated must be clearly communicated to potential cooperating brokers prior to the time they
472 submit an offer that ultimately results in a successful transaction.

473
474 **Note 5:** Nothing in these MLS rules precludes a listing participant and a cooperating participant, as a matter
475 of mutual agreement, from modifying the cooperative compensation to be paid in the event of a
476 successful transaction.

477 **Note 6:** Multiple listing services must give participants the ability to disclose to other participants any
478 potential for a short sale. As used in these rules, short sales are defined as a transaction where title
479 transfers, where the sale price is insufficient to pay the total of all liens and costs of sale and where
480 the seller does not bring sufficient liquid assets to the closing to cure all deficiencies. Multiple listing
481 services may, as a matter of local discretion, require participants to disclose potential short sales
482 when participants know a transaction is a potential short sale. In any instance where a participant
483 discloses a potential short sale, they must also be permitted to communicate to other participants
484 how any reduction in the gross commission established in the listing contract required by the lender
485 as a condition of approving the sale will be apportioned between listing and cooperating participants.
486 All confidential disclosures and confidential information related to short sales must be
487 communicated through dedicated fields or confidential “remarks” available only to participants and
488 subscribers , including indicating in the Sale Type feature that the listing is “Short Sale Potential.”
489

490 **Section 4.0.1 Disclosing Potential Short Sales**

491 Participants must disclose potential short sales when reasonably known to the listing participants. When
492 disclosed, participants may, at their discretion, advise other participants whether and how any reduction in
493 the gross commission established in the listing agreement, required by the lender as a condition of approving
494 the sale, will be apportioned between listing and cooperating participants.
495

496 **Section 4.1 Participant as Principal**

497 If a participant or any licensee (or licensed or certified appraiser) affiliated with a participant has any
498 ownership interest in a property, the listing of which is to be disseminated through the multiple listing
499 service, that person shall disclose that interest when the listing is filed with the multiple listing service and
500 such information shall be disseminated to all multiple listing service participants.
501

502 **Section 4.2 Participant as Purchaser**

503 If a participant or any licensee (including licensed and certified appraisers) affiliated with a participant
504 wishes to acquire an interest in property listed with another participant, such contemplated interest shall be
505 disclosed, in writing, to the listing broker not later than the time an offer to purchase is submitted to the
506 listing broker.
507

508 **Section 4.3 Variable Rate Commission Arrangements**

509 The existence of a variable rate commission arrangement (i.e., one in which the seller/landlord agrees to pay
510 a specified commission if the property is sold/leased by the listing broker without assistance and a different
511 commission if the sale/lease results through the efforts of a cooperating broker) shall be disclosed by the
512 listing broker by a key, code, or symbol as required by the MLS. The listing broker shall, in response to
513 inquiries from potential cooperating brokers, disclose the differential that would result in either a cooperative
514 transaction or, alternatively, in a sale/lease that results through the efforts of the seller/landlord. If the
515 cooperating broker is a buyer/tenant representative, the buyer/tenant representative must disclose such
516 information to their client before the client makes an offer to purchase or lease.
517
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519

520 **Service Charges**

[Top](#)

521

522 **Section 5 Service Fees and Charges**

523 The following service charges for operation of the multiple listing service are in effect to defray the costs of
524 the service and are subject to change from time to time in the manner prescribed:

525

526 **Section 5.1 Initial Participation Fee:** An applicant for participation in the service shall pay an application
527 fee as determined from time to time by the CATRS board of directors, with such fee to accompany the
528 application.

529 **Recurring Participation Fee:** The monthly participation fee of each participant shall be an amount equal as
530 determined from time to time by the CATRS board of directors times each salesperson and licensed or
531 certified appraiser who has access to and use of the service, whether licensed as a broker, sales licensee, or
532 licensed or certified appraiser who is employed by or affiliated as an independent contractor with such
533 participant. Payment of such fees shall be made on or before the first day of the month for which service is
534 granted.

535

536 Note: Subscription requirements will be waived where licensee or licensed or certified appraiser can
537 demonstrate subscription to a different MLS where the principal broker participates. The participant (broker)
538 will be required to sign a certificate for nonuse of the MLS by their licensees. *(Adopted 12/18)*

539

540 **Section 5.2 Services Advertised as “Free”**

541 MLS participants and subscribers must not represent that their brokerage services to a client or customer are
542 free or available at no cost to their clients, unless the participant or subscriber will receive no financial
543 compensation from any source for those services. **M**

544

545 **Section 5.3 Display of Listing Broker’s Offer of Compensation**

546 Participants and subscribers who share the listing broker’s offer of compensation for an active listing must
547 display the following disclaimer or something similar.

548

549 *The listing broker’s offer of compensation is made only to participants of the MLS where the listing is filed.*

550 **M**

551

552 **Compliance with Rules**

553

[Top](#)

554 **Section 6 Compliance with Rules—Authority to Impose Discipline**

555 By becoming and remaining a participant or subscriber in this MLS, each participant and subscriber agrees to
556 be subject to the rules and regulations and any other MLS governance provision. The MLS may, through the
557 administrative and hearing procedures established in these rules, impose discipline for violations of the rules
558 and other MLS governance provisions. Discipline that may be imposed may only consist of one or more of
559 the following:

560

a. letter of warning

561

b. letter of reprimand

562

c. attendance at MLS orientation or other appropriate courses or seminars which the participant or
563 subscriber can reasonably attend taking into consideration cost, location, and duration

564

d. appropriate, reasonable fine not to exceed \$15,000

565

e. suspension of MLS rights, privileges, and services for not less than thirty (30) days nor more than one
566 (1) year

567

f. termination of MLS rights, privileges, and services with no right to reapply for a specified period not
568 to exceed three (3) years.

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Note: A participant (or user/subscriber, where appropriate) can be placed on probation. Probation is not a form of discipline. When a participant (or user/subscriber, where appropriate) is placed on probation the discipline is held in abeyance for a stipulated period of time not longer than one (1) year. Any subsequent finding of a violation of the MLS rules during the probationary period may, at the discretion of the Board of Directors, result in the imposition of the suspended discipline. Absent any subsequent findings of a violation during the probationary period, both the probationary status and the suspended discipline are considered fulfilled, and the individual’s record will reflect the fulfillment. The fact that one or more forms of discipline are held in abeyance during the probationary period does not bar imposition of other forms of discipline which will not be held in abeyance. *(Revised 12/18)*

Section 6.1 Compliance with Rules

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

- a. for failure to pay any service charge or fee 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 of Sections 9 and 9.1 shall apply
- c. for failure to accurately complete all input fields, subscribers and participants will be noticed and required to correct or show cause as to why their input is correct within three days of initial input or when an error is noticed. Participants and subscribers will be noticed via electronic means each day up to and including day three and if not corrected or otherwise satisfied with the MLS will be fined \$100 and temporarily suspended from the multiple listing service until the fine is paid. Fines are levied against the subscriber (listing agent); however, the Participant is ultimately responsible for the payment of such fines. Status changes are of such importance to the accuracy of the MLS that both the Participant and the subscriber shall be fined for a violation of section 2.5 of these rules.

Once fine is paid and error is corrected, the subscriber or participant will receive a refund of their fine by completing two training classes within four months of the violation. Upon request, the Fine Forgiveness Form will be provided to the offending subscriber to initiate the fine refund.

Section 6.2 Applicability of Rules to Users and/or Subscribers

Non-principal brokers, sales licensees, 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 based on their signed acknowledgment upon subscribing to the MLS. Further, failure of any user or subscriber to abide by the rules and/or any sanction imposed for violations thereof can subject the participant to the same or other discipline. This provision does not eliminate the participant’s ultimate responsibility and accountability for all users or subscribers affiliated with the participant.

Meetings

[Top](#)

Section 7 Meetings

The meetings of the participants in the service or the board of directors of the multiple listing service for the transaction of business of the service shall be held in accordance with the provisions of Article 7, bylaws of the service.

615 **Enforcement of Rules or Disputes**

[Top](#)

616
617 **Section 8 Considerations of Alleged Violations**

618 The board of directors shall give consideration to all written complaints having to do with violations of the
619 rules and regulations.

620
621 **Section 8.1 Violations of Rules and Regulations**

622 If the alleged offense is a violation of the rules and regulations of the service and does not involve a charge
623 of alleged violation of one or more of the provisions of **Section 16** of the rules and regulations or a request
624 for arbitration, it may be administratively considered and determined by the MLS committee and if a
625 violation is determined, the MLS committee may direct the imposition of sanction provided that the recipient
626 of such sanction may request a hearing by the professional standards committee of the association in
627 accordance with the bylaws of the association of REALTORS®.

628
629 If, rather than conducting an administrative review, the MLS committee has a procedure established to
630 conduct hearings, the decision of the hearing tribunal may be appealed to the board of directors of the
631 association of REALTORS®. Alleged violations of unethical conduct shall be referred to the professional
632 standards committee of the Tallahassee Board of REALTORS® for processing in accordance with the
633 professional standards procedures of the association. If the charge alleges a refusal to arbitrate, such charge
634 will be referred directly to the board of directors of the Tallahassee Board of REALTORS®.

635
636 **Section 8.2 Complaints of Unethical Conduct**

637 All other complaints of unethical conduct shall be referred by the board of directors of the service to the
638 association of REALTORS® for appropriate action in accordance with the professional standards procedures
639 established in the association's bylaws.

640
641 **Confidentiality of MLS Information**

[Top](#)

642
643 **Section 9 Confidentiality of MLS Information**

644 Any information provided by the multiple listing service to the participants shall be considered official
645 information of the service. Such information shall be considered confidential and exclusively for the use of
646 participants and real estate licensees affiliated with such participants and those participants who are licensed
647 or certified by an appropriate state regulatory agency to engage in the appraisal of real property and licensed
648 or certified appraisers affiliated with such participants.

649
650 **Section 9.1 MLS Responsibility for Accuracy of Information**

651 The information published and disseminated by the service is communicated verbatim, without change by
652 the service, as filed with the service by the participant. The service does not verify such information provided
653 and disclaims any responsibility for its accuracy. Each participant agrees to hold the service harmless against
654 any liability arising from any inaccuracy or inadequacy of the information such participant provides.

655
656 **Ownership of MLS Compilation* and Copyright**

[Top](#)

657
658 **Section 10**

659 By the act of submitting any property listing content to the MLS the participant represents that he has been
660 authorized to grant and also thereby does grant authority for the MLS to include the property listing content
661 in its copyrighted MLS compilation and also in any statistical report on comparables. Listing content
662 includes, but is not limited to, photographs, images, graphics, audio and video recordings, virtual tours,

663 drawings, descriptions, remarks, narratives, pricing information, and other details or information related to
664 listed property.

665

666 **Section 10.1**

667 All right, title, and interest in each copy of every multiple listing compilation created and copyrighted by the
668 Tallahassee Board of REALTORS® and in the copyrights therein, shall at all times remain vested in the
669 Tallahassee Board of REALTORS®.

670

671 *The term MLS compilation, as used in Sections 11 and 12 herein, shall be construed to include any format
672 in which property listing data is collected and disseminated to the participants, including but not limited to
673 bound book, loose-leaf binder, computer database, card file, or any other format whatsoever.

674

675 **Use of Copyrighted MLS Compilation**

676

[Top](#)

677 **Section 11 Distribution**

678 Participants shall, at all times, maintain control over and responsibility for each copy of any MLS
679 compilation leased to them by the association of REALTORS®, and shall not distribute any such copies to
680 persons other than subscribers who are affiliated with such participant as licensees, those individuals who are
681 licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property, and
682 any other subscribers as authorized pursuant to the governing documents of the MLS. Use of information
683 developed by or published by an association multiple listing service is strictly limited to the activities
684 authorized under a participant’s licensure(s) or certification, and unauthorized uses are prohibited. Further,
685 none of the foregoing is intended to convey participation or membership or any right of access to information
686 developed or published by an association multiple listing service where access to such information is
687 prohibited by law.

688

689 Only non-confidential fields may be given, in any medium, to the consumer or other non-participant of the
690 CATRS MLS. A list of confidential fields can be found at www.TBRnet.org or by contacting the CATRS
691 Technology Support Desk.

692

693 **Section 11.1 Display**

694 Participants and those persons affiliated as licensees with such participants shall be permitted to display
695 the MLS compilation to prospective purchasers only in conjunction with their ordinary business activities of
696 attempting to locate ready, willing, and able buyers for the properties described in said MLS compilation.

697

698 **Section 11.2 Reproduction**

699 Participants or their affiliated licensees shall not reproduce any MLS compilation or any portion thereof,
700 except in the following limited circumstances:

701

702 Participants or their affiliated licensees may reproduce from the MLS compilation and distribute to
703 prospective purchasers a reasonable** number of single copies of property listing data contained in the MLS
704 compilation which relate to any properties in which the prospective purchasers are or may, in the judgment
705 of the participant or their affiliated licensees, be interested.

706

707 *This section should not be construed to require the participant to lease a copy of the MLS compilation for
708 any licensee (or licensed or certified appraiser) affiliated with the participant who is engaged exclusively in
709 a specialty of the real estate business other than listing, selling, or appraising the types of properties which
710 are required to be filed with the MLS and who does not, at any time, have access to or use of the MLS
711 information or MLS facility of the association

712
713 **It is intended that the participant be permitted to provide prospective purchasers with listing data relating
714 to properties which the prospective purchaser has a bona fide interest in purchasing or in which the
715 participant is seeking to promote interest. The term reasonable, as used herein, should therefore be
716 construed to permit only limited reproduction of property listing data intended to facilitate the prospective
717 purchaser's decision-making process in the consideration of a purchase. Factors which shall be considered
718 in deciding whether the reproductions made are consistent with this intent and thus reasonable in number,
719 shall include, but are not limited to, the total number of listings in the MLS compilation, how closely the
720 types of properties contained in such listings accord with the prospective purchaser's expressed desires and
721 ability to purchase, whether the reproductions were made on a selective basis, and whether the type of
722 properties contained in the property listing data is consistent with a normal itinerary of properties which
723 would be shown to the prospective purchaser.
724

725 Reproductions made in accordance with this rule shall be prepared in such a fashion that the property listing
726 data of properties other than that in which the prospective purchaser has expressed interest, or in which the
727 participant or the affiliated licensees are seeking to promote interest, does not appear on such reproduction.
728

729 Nothing contained herein shall be construed to preclude any participant from utilizing, displaying,
730 distributing, or reproducing property listing sheets or other compilations of data pertaining exclusively to
731 properties currently listed for sale with the participant.
732

733 Any MLS information, whether provided in written or printed form, provided electronically, or provided in
734 any other form or format, is provided for the exclusive use of the participant and those licensees affiliated
735 with the participant who are authorized to have access to such information. Such information may not be
736 transmitted, retransmitted, or provided in any manner to any unauthorized individual, office, or firm.
737

738 None of the foregoing shall be construed to prevent any individual legitimately in possession of current
739 listing information, sold information, comparables, or statistical information from utilizing such information
740 to support an estimate of value on a particular property for a particular client. However, only such
741 information that an association or association-owned multiple listing service has deemed to be
742 nonconfidential and necessary to support the estimate of value may be reproduced and attached to the report
743 as supporting documentation. Any other use of such information is unauthorized and prohibited by these
744 rules and regulations.
745

746 **MLS Policy Statement 11.3 Statistical Reports**

747 MLSs may, as a matter of local determination, make statistical reports, sold information, and other
748 informational reports derived from the MLS available to REALTORS® who do not participate in the MLS
749 but who are engaged in real estate brokerage, management, appraising, land development, or building.
750 Additional expenses incurred in providing such information to REALTORS® who do not participate in the
751 MLS may be included in the price charged for such information. Any information provided may not be
752 transmitted, retransmitted, or provided in any manner to any individual, office, or firm, except as otherwise
753 authorized in the MLS rules and regulations.
754

755 MLSs may, as a matter of local determination, provide statistical reports, sold information, and other
756 informational reports derived from the MLS to government agencies. MLSs may, as a matter of local
757 discretion, require that such agencies (or representatives of such agencies) hold an appropriate form of
758 membership in the MLS or in the association of REALTORS® as a condition of such access.
759

760 **Section 11.4 Transition of listings to Data Aggregators**

761 The MLS transmits a portion of the MLS database to third-party aggregators to display listing information.
762 All exclusive listings, regardless of type, will be included in data feed (unless the participant withholds
763 consent for such transmission). Except, the CATRS MLS will exclude from such data feed any listing where
764 both of the following conditions are present:

- 765 a. the listed property’s street address or a graphic display of the property’s specific location will be
766 displayed to the public; and
- 767 b. the seller displays on the property a “for sale by owner” sign or other sign or notice indicating
768 that the seller is soliciting direct contact from the buyers. (adopted 8/2011)

769 **Use of MLS Information**

[Top](#)

770 **Section 12 Limitations on Use of MLS Information**

771 Information from MLS compilations of current listing information, from statistical reports, and from any
772 sold or comparable report of the association or MLS may be used by MLS participants as the basis for
773 aggregated demonstrations of market share or comparisons of firms in public mass-media advertising or in
774 other public representations. This authority does not convey the right to include in any such advertising or
775 representation information about specific properties which are listed with other participants, or which were
776 sold by other participants (as either listing or cooperating broker).
777
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779 However, any print or non-print forms of advertising or other forms of public representations based in whole
780 or in part on information supplied by the association or its MLS must clearly demonstrate the period of time
781 over which such claims are based and must include the following, or substantially similar, notice:
782
783

784 Based on information from the Capital Area Technology & REALTORS® Services MLS for the period
785 *(date)* through *(date)*.

786 **Changes in Rules and Regulations**

[Top](#)

787 **Section 13 Changes in Rules and Regulations**

788 Amendments to the rules and regulations of the service shall be by consideration and approval of the board
789 of directors of the multiple listing service, subject to final approval by the board of directors of the
790 Tallahassee Board of REALTORS® (shareholder).
791
792

793 **Arbitration of Disputes***

[Top](#)

794 **Section 14 Arbitration of Disputes**

795 By becoming and remaining a participant, each participant agrees to arbitrate disputes involving contractual
796 issues and questions, and specific non-contractual issues and questions defined in Standard of Practice 17-4
797 of the Code of Ethics with MLS participants in different firms arising out of their relationships as MLS
798 participants, subject to the following qualifications.
799

- 800 a. If all disputants are members of the same association of REALTORS® or have their principal place of
801 business within the same association’s territorial jurisdiction, they shall arbitrate pursuant to the procedures
802 of that association of REALTORS®.
- 803 b. If the disputants are members of different associations of REALTORS® or if their principal place of business
804 is located within the territorial jurisdiction of different associations of REALTORS®, they remain obligated to
805 arbitrate in accordance with the procedures of the Florida Association of REALTORS®.
806
807

808 **Interboard Arbitration Procedures:** Arbitration shall be conducted in accordance with any existing
809 interboard agreement or, alternatively, in accordance with the interboard arbitration procedures in the Code
810 of Ethics and Arbitration Manual of the NATIONAL ASSOCIATION OF REALTORS®. Nothing herein shall
811 preclude participants from agreeing to arbitrate the dispute before a particular association of REALTORS®.
812

813 **Standards of Conduct for MLS Participants****

[Top](#)

815 **Standard 15.1**

816 MLS participants shall not engage in any practice or take any action inconsistent with exclusive
817 representation or exclusive brokerage relationship agreements that other MLS participants have with clients.

818 **Section 15.2**

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

821 **Section 15.3**

822 MLS participants acting as subagents or as buyer/tenant representatives or brokers shall not attempt to extend
823 a listing broker's offer of cooperation and/or compensation to other brokers without the consent of the listing
824 broker.

825 **Section 15.4**

826 MLS participants shall not solicit a listing currently listed exclusively with another broker. However, if the
827 listing broker, when asked by the MLS participant, refuses to disclose the expiration date and nature of such
828 listing (i.e., an exclusive right-to-sell, an exclusive agency, open listing, or other form of contractual
829 agreement between the listing broker and the client) the MLS participant may contact the owner to secure
830 such information and may discuss the terms upon which the MLS participant might take a future listing or,
831 alternatively, may take a listing to become effective upon expiration of any existing exclusive listing.
832

833 *Only adopt the following standards of conduct if the association's MLS is open to nonmember participants
834 (otherwise qualified individuals who do not hold REALTOR® membership anywhere). Any of the standards
835 of conduct, if adopted, may not be modified.
836

837 **Only adopt the following standards of conduct if the association's MLS is open to nonmember participants
838 (otherwise qualified individuals who do not hold REALTOR® membership anywhere). Any of the standards
839 of conduct, if adopted, may not be modified.
840

841 **Section 15.5**

842 MLS participants shall not solicit buyer/tenant agreements from buyers/tenants who are subject to exclusive
843 buyer/tenant agreements. However, if asked by an MLS participant, the broker refuses to disclose the
844 expiration date of the exclusive buyer/tenant agreement, the MLS participant may contact the buyer/tenant to
845 secure such information and may discuss the terms upon which the MLS participant might enter into a future
846 buyer/tenant agreement or, alternatively, may enter into a buyer/tenant agreement to become effective upon
847 the expiration of any existing exclusive buyer/tenant agreement.
848

849 **Section 15.6**

850 MLS participants shall not use information obtained from listing brokers through offers to cooperate made
851 through multiple listing services or through other offers of cooperation to refer listing brokers' clients to
852 other brokers or to create buyer/tenant relationships with listing brokers' clients, unless such use is
853 authorized by listing brokers.
854
855

856 **Section 15.7**

857 The fact that an agreement has been entered into with an MLS participant shall not preclude or inhibit any
858 other MLS participant from entering into a similar agreement after the expiration of the prior agreement.

860 **Section 15.8**

861 The fact that a prospect has retained an MLS participant as an exclusive representative or exclusive broker in
862 one or more past transactions does not preclude other MLS participants from seeking such prospect's future
863 business.

865 **Section 15.9**

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

870 **Section 15.10**

871 When MLS participants are contacted by the client of another MLS participant regarding the creation of an
872 exclusive relationship to provide the same type of service, and MLS participants have not directly or
873 indirectly initiated such discussions, they may discuss the terms upon which they might enter into a future
874 agreement or, alternatively, may enter into an agreement which becomes effective upon expiration of any
875 existing exclusive agreement.

877 **Section 15.11**

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

883 **Section 15.12**

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

890 The following types of solicitations are prohibited:

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

899 **Section 15.13**

900 MLS participants, prior to entering into a representation agreement, have an affirmative obligation to make
901 reasonable efforts to determine whether the prospect is subject to a current, valid exclusive agreement to
902 provide the same type of real estate service.

903

904 **Section 15.14**
905 MLS participants, acting as buyer or tenant representatives or brokers, shall disclose that relationship to the
906 seller/landlord's representative or broker at first contact and shall provide written confirmation of that
907 disclosure to the seller/landlord's representative or broker not later than execution of a purchase agreement
908 or lease.

909
910 **Section 15.15**
911 On unlisted property, MLS participants acting as buyer/tenant representatives or brokers shall disclose that
912 relationship to the seller/landlord at first contact for that buyer/tenant and shall provide written confirmation
913 of such disclosure to the seller/landlord not later than execution of any purchase or lease agreement.
914 MLS participants shall make any request for anticipated compensation from the seller/landlord at first
915 contact.

916
917 **Section 15.16**
918 MLS participants, acting as representatives or brokers of sellers/landlords or as subagents of listing brokers,
919 shall disclose that relationship to buyers/tenants as soon as practicable, and shall provide written
920 confirmation of such disclosure to buyers/tenants not later than execution of any purchase or lease
921 agreement.

922
923 **Section 15.17**
924 MLS participants are not precluded from contacting the client of another broker for the purpose of offering to
925 provide, or entering into a contract to provide, a different type of real estate service unrelated to the type of
926 service currently being provided (e.g., property management as opposed to brokerage) or from offering the
927 same type of service for property not subject to other brokers' exclusive agreements. However, information
928 received through a multiple listing service or any other offer of cooperation may not be used to target clients
929 of other MLS participants to whom such offers to provide services may be made.

930
931 **Section 15.18**
932 MLS participants, acting as subagents or buyer/tenant representatives or brokers, shall not use the terms of
933 an offer to purchase/lease to attempt to modify the listing broker's offer of compensation to subagents or
934 buyer/tenant representatives or brokers, or make the submission of an executed offer to purchase/lease
935 contingent on the listing broker's agreement to modify the offer of compensation.

936
937 **Section 15.19**
938 All dealings concerning property exclusively listed or with buyer/tenants who are subject to an exclusive
939 agreement shall be carried on with the client's representative or broker, and not with the client, except with
940 the consent of the client's representative or broker or except where such dealings are initiated by the client.

941
942 Before providing substantive services (such as writing a purchase offer or presenting a CMA) to prospects,
943 MLS participants shall ask prospects whether they are a party to any exclusive representation agreement.
944 MLS participants shall not knowingly provide substantive services concerning a prospective transaction to
945 prospects who are parties to exclusive representation agreements, except with the consent of the prospects'
946 exclusive representatives or at the direction of prospects.

947
948 **Section 15.20**
949 Participants, users, and subscribers, prior to or after their relationship with their current firm is terminated,
950 shall not induce clients of their current firm to cancel exclusive contractual agreements between the client
951 and that firm. This does not preclude participants from establishing agreements with their associated
952 licensees governing assignability of exclusive agreements.

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Section 15.21

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 15.22

MLS participants shall not knowingly or recklessly make false or misleading statements about other real estate professionals, their businesses, or their business practices.

Standard 15.23

MLS participants' firm websites shall disclose the firm's name and state(s) of licensure in a reasonable and readily apparent manner.

Websites of licensees affiliated with a participant's firm shall disclose the firm's name and the licensee's state(s) of licensure in a reasonable and readily apparent manner.

Standard 15.24

MLS participants shall present a true picture in their advertising and representations to the public, including Internet content posted, the URLs and domain names they use, and participants may not:

1. engage in deceptive or unauthorized framing of real estate brokerage websites;
2. manipulate (e.g., presenting content developed by others) listing content in any way that produces a deceptive or misleading result;
3. deceptively use metatags, keywords or other devices/methods to direct, drive, or divert Internet traffic, or to otherwise mislead consumers.
4. present content developed by others without either attribution or without permission, or
5. to otherwise mislead consumers.

Standard 15.25

It is the responsibility of Participants and subscribers to ensure that CATRS and TBR have their correct and complete contact information. It is the Participant's or subscriber's responsibility to ensure that any virus software, spam filters, and internet providers have TBR and CATRS e-mails as "trusted e-mails" and that any TBR/CATRS e-mails that are delayed or trapped after being sent from TBR will be the Participant/subscriber's sole responsibility. Not receiving communications from CATRS/TBR will not be grounds for appeal of fines.

Standard 15.26

The services which MLS participants provide to their clients and customers shall conform to the standards of practice and competence which are reasonably expected in the specific real estate disciplines in which they engage; specifically, residential real estate brokerage, real property management, commercial and industrial real estate brokerage, land brokerage, real estate appraisal, real estate counseling, real estate syndication, real estate auction, and international real estate.

MLS participants shall not undertake to provide specialized professional services concerning a type of property or service that is outside their field of competence unless they engage the assistance of one who is competent on such types of property or service, or unless the facts are fully disclosed to the client. Any persons engaged to provide such assistance shall be so identified to the client and their contribution to the assignment should be set forth. (Adopted 11/09)

1001 **Standard 15.27, Property Addresses**
1002 Residential listings filed with the MLS must include a property address where one exists at the time the
1003 listing is filed. If a property address is unavailable, then the parcel identification number must be submitted
1004 at the time the listing is filed. If no address or parcel identification number is available at the time the listing
1005 is filed, the listing must, at a minimum, contain a legal description of the property sufficient to describe the
1006 location of the property. This information shall be available to participants and subscribers at the time of
1007 filing. **M**

1008
1009 **Standard 15.28, Non-filtering of Listings**
1010 MLS participants and subscribers must not, and MLSs must not enable the ability to, filter out or restrict
1011 MLS listings that are searchable by and displayed to consumers based on the level of compensation offered
1012 to the cooperating broker or the name of a brokerage or agent. **M**

1013
1014 **Orientation**

[Top](#)

1015
1016 **Section 16 Orientation**

1017 Any applicant for MLS Participation and any licensee affiliated with an MLS Participant shall complete an orientation
1018 program of no more than eight (8) classroom hours or equivalent self-study training (remote training), devoted to the
1019 MLS Rules, Regulations, and operations within four (4) months after access has been provided. Failure to satisfy this
1020 requirement shall be considered a violation of the CATRS MLS Rules for which MLS membership shall be suspended
1021 until such time as the training is completed. (Amended 12/18)

1022
1023 **Internet Data Exchange (IDX)**

[Top](#)

1024
1025 **Section 17 IDX Defined**

1026 IDX affords MLS participants ability to authorize limited electronic display and delivery of their listings by
1027 other participants via the following authorized mediums under the participant's control: websites,
1028 mobile apps, and audio devices. As used throughout these rules, "display" includes "delivery" of such
1029 listings.

1030
1031 **MLS Policy Statement 17.1.2, Internet Data Exchange (IDX) Policy**

1032
1033 ... To comply with this requirement MLSs must, if requested by a participant, promptly provide basic
1034 downloading of all active listings, sold* listing data starting from January 1, 2012, non-confidential pending
1035 sale listing data, and other listings authorized under applicable MLS rules. MLSs may not exclude any
1036 listings from the information which can be downloaded or displayed under IDX except those listings for
1037 which a seller has affirmatively directed that their listing or their property address not appear on the Internet
1038 or other electronic forms of display or distribution.

1039
1040 *Note: If "sold" information is not publicly accessible, display of sales price may be prohibited. "Publicly
1041 accessible" sold information as used in IDX policy and rules, means data that is available electronically or in
1042 hard copy to the public from city, county, state and other government records. MLSs must provide for its
1043 participants' IDX displays publicly accessible sold information maintained by the MLS starting January 1,
1044 2012. (Amended 5/17) **M** ...

1045
1046 **Polices Applicable to Participants' IDX Websites and Displays...**

1047
1048 *4. Participants may select the IDX listings they choose to display based only on objective criteria including,*
1049 *but not limited to, factors such as geography or location ("uptown", "downtown", etc.), list price, or type of*
1050 *property (e.g., condominiums, cooperatives, single family detached, multi-family), or type of listing (e.g.,*

1051 *exclusive right-to-sell or exclusive agency). Selection of IDX listings to be displayed must be independently*
1052 *made by each participant. M (04/2022)*
1053

1054 *12. An MLS participant's IDX display must identify the listing firm, and the email or phone number provided*
1055 *by the listing participant in a reasonably prominent location and in a readily visible color and typeface not*
1056 *smaller than the median used in the display of listing data. M (04/2022)*
1057

1058 **MLS Policy Statement 17.1.3, One Data Source**

1059 MLSs must offer a participant a single data feed in accordance with a participant's licensed authorized uses.
1060

1061 At the request of a participant, MLS must provide the single data feed for that participant's licensed uses to
1062 that participant's designee. The designee may use the single data feed only to facilitate that participant's
1063 licensed uses on behalf of that participant. M (9/1/22)
1064

1065 **MLS Policy Statement 17.1.4, Brokerage Back Office Feed**

1066 That participants are entitled to use, and MLSs must provide to participants, the BBO Data, for BBO Use
1067 subject to the Terms below:
1068

1069 "BBO Data" means all real property listing and roster information in the MLS database, including all
1070 listings of all participants, but excludes (i) MLS only fields (those fields only visible to MLS staff and the
1071 listing participant), and (ii) fields and content to which MLS does not have a sufficient license for use in
1072 the Brokerage Back Office Feed.
1073

1074 "BBO Use" means use of BBO Data by participant and subscribers affiliated with the participant for the
1075 following purposes:
1076

- 1077 • Brokerage management systems that only expose BBO Data to participant and subscribers affiliated
1078 with participant.
- 1079 • Customer relationship management (CRM) and transaction management tools that only expose the
1080 BBO Data to participant, subscribers affiliated with participant, and their bona fide clients as
1081 established under state law.
- 1082 • Agent and brokerage productivity and ranking tools and reports that only exposes BBO Data to
1083 participant and subscribers affiliated with participant.
- 1084 • Marketplace statistical analysis and reports in conformance with NAR MLS Policy Statement 7.80,
1085 which allows for certain public distribution.
1086

1087 BBO Use may only be made by participant and subscriber affiliated with participant, except that at the
1088 request of a participant, MLS must provide BBO Data to that participant's designee. The designee may
1089 use the BBO Data only to facilitate the BBO Use on behalf of that participant and its affiliated
1090 subscribers.
1091

1092 There is no option for participants to opt-out their listings from the Brokerage Back Office Feed Use as
1093 defined.
1094

1095 "Terms" mean the following:
1096

- 1097 • MLSs may impose reasonable licensing provisions and fees related to participant's license to use
1098 Brokerage Back Office Feed Data. MLSs may require the participant's designee to sign the same or
1099 a separate and different license agreement from what is signed by the participant. Such provisions

1100 in a license agreement may include those typical to the MLS’s data licensing practices, such as
1101 security requirements, rights to equitable relief, and dispute resolution terms. (The foregoing
1102 examples are not a limitation on the types of provisions an MLS may have in a license agreement.)

- 1103 • Use of roster information may be limited by the MLS participation agreement and license
1104 agreements.
- 1105 • Brokerage Back Office Feed Use is subject to other NAR MLS policies and local rules.
- 1106 • MLSs in their reasonable discretion may expand the definition of Brokerage Back Office Feed Use
1107 in conformance with other NAR MLS policies, such as Policy Statement 7.85, which provides that
1108 “Use of listings and listing information by MLSs for purposes other than the defined purposes of
1109 MLS requires participants’ consent.” **M**

1110 **MLS Policy Statement 17.1.5, Display of Listing Broker’s Offer of Compensation**

1111 MLSs must include the listing broker’s offer of compensation for each active listing displayed on its
1112 consumer-facing website(s) and in MLS data feeds provided to participants and subscribers and must permit
1113 MLS participants or subscribers to share such information through IDX and VOW displays or through any
1114 other form or format provided to clients and consumers. The information about the offer of compensation
1115 must be accompanied by a disclaimer stating that the offer is made only to participants of the MLS where the
1116 listing is filed. **M**

1117 **Section 17.1.6 Authorization**

1118 Participants’ consent for display of their listings by other participants pursuant to these rules and regulations
1119 is presumed unless a participant affirmatively notifies the MLS that the participant refuses to permit display
1120 (either on a blanket or on a listing-by-listing basis). If a participant refuses on a blanket basis to permit the
1121 display of that participant’s listings, that participant may not download, ~~or~~ frame or display the aggregated
1122 MLS data of other participants. Even where participants have given blanket authority for other participants
1123 to display their listings on IDX sites, such consent may be withdrawn on a listing-by-listing basis ~~as where~~
1124 the seller has prohibited all Internet display.

1125 **Section 17.2 Participation**

1126 Participation in IDX is available to all MLS participants who are REALTORS® who are engaged in real estate
1127 brokerage and who consent to display of their listings by other participants.

1128 **Section 17.2.1**

1129 Participants must notify the MLS of their intention to display IDX information and must give the MLS direct
1130 access for purposes of monitoring/ensuring compliance with applicable rules and policies.

1131 **Section 17.2.2**

1132 MLS participants may not use IDX-provided listings for any purpose other than display as provided for in
1133 these rules. This does not require participants to prevent indexing of IDX listings by recognized search
1134 engines. (Amended 11/09)

1135 **Section 17.2.2**

1136 Participants must protect IDX information from misappropriation by employing reasonable efforts to
1137 monitor and prevent “scraping” or other unauthorized accessing, reproduction, or use of the MLS database.

1146 **Section 17.2.3**

1147 Listings, including property addresses, can be included in IDX displays except where a seller has directed
1148 their listing broker to withhold the listing or the listing’s property address from all display on the Internet
1149 (including, but not limited to, publicly-accessible websites or VOW’s) or other forms of display or
1150 distribution.
1151

1152 **Section 17.2.4**

1153 Participants may select the listings they choose to display on their IDX sites based only on objective criteria
1154 including, but not limited to, factors such as geography or location (“uptown,” “downtown,” etc.), list price,
1155 or type of property (e.g., condominiums, cooperatives, single-family detached, multi-family), or type of
1156 listing (e.g., exclusive right-to-sell or exclusive agency). Selection of listings displayed through IDX must be
1157 independently made by each participant. *(Amended 12/18)*
1158

1159 **Section 17.2.5**

1160 Participants must refresh all MLS downloads and IDX displays automatically fed by those downloads at least
1161 once every three (3) days.
1162

1163 **Section 17.2.6**

1164 Except as provided in the IDX policy and these rules, an IDX site or a participant or user operating an IDX
1165 site or displaying IDX information as otherwise permitted may not distribute, provide, or make any portion
1166 of the MLS database available to any person or entity.
1167

1168 **Section 17.2.7 (1st instance of rule)**

1169 All listings displayed pursuant to IDX shall identify the listing firm, and the email or phone number provided
1170 by the listing participant in a reasonably prominent location and in a readily visible color and typeface not
1171 smaller than the median used in the display of listing data.* (Amended 05/17)
1172

1173 * Displays of minimal information (e.g., “thumbnails”, text messages, “tweets”, etc., of two hundred [200]
1174 characters or less) are exempt from this requirement but only when linked directly to a display that includes
1175 all required disclosures. For audio delivery of listing content, all required disclosures must be subsequently
1176 delivered electronically to the registered consumer performing the property search or linked to through the
1177 devices application.
1178

1179 **Section 17.2.8**

1180 Any IDX display controlled by a participant or subscriber that
1181

- 1182
- 1183 a. allows third-parties to write comments or reviews about particular listings or displays a hyperlink to such
1184 comments or reviews in immediate conjunction with particular listings, or
1185
 - 1186 b. displays an automated estimate of the market value of the listing (or hyperlink to such estimate) in
1187 immediate conjunction with the listing,
1188

1189 either or both of those features shall be disabled or discontinued for the seller’s listings at the request of the
1190 seller. The listing broker or agent shall communicate to the MLS that the seller has elected to have one or
1191 both of these features disabled or discontinued on all displays controlled by participant. Except for the

1192 foregoing and subject to Section 17.2.9, a participant’s IDX display may communicate the participant’s
1193 professional judgment concerning any listing. Nothing shall prevent an IDX site from notifying its customers
1194 that a particular feature has been disabled at the request of the seller. (Amended 5/12)

1195
1196 **Section 17.2.9**

1197
1198 Participants shall maintain a means (e.g., e-mail address, telephone number) to receive comments about the
1199 accuracy of any data or information that is added by or on behalf of the participant beyond that supplied by
1200 the MLS and that relates to a specific property. Participants shall correct or remove any false data or
1201 information relating to a specific property upon receipt of a communication from the listing broker or listing
1202 agent for the property explaining why the data or information is false. However, participants shall not be
1203 obligated to remove or correct any data or information that simply reflects good faith opinion, advice, or
1204 professional judgment. (Amended 5/12)

1205
1206 **Section 17.2.10**

1207 An MLS participant (or where permitted locally, an MLS subscriber) may co-mingle the listings of other
1208 brokers received in an IDX feed with listings available from other MLS IDX feeds, provided all such
1209 displays are consistent with the IDX rules, and the MLS participant (or MLS subscriber) holds participatory
1210 rights in those MLSs. As used in this policy, “co-mingling” means that consumers are able to execute a
1211 single property search of multiple IDX data feeds resulting in the display of IDX information from each of
1212 the MLSs on a single search results page; and that participants may display listings from each IDX feed on a
1213 single webpage or display.

1214
1215 **Section 17.2.12 (2nd instance of rule)**

1216 All listings displayed pursuant to IDX shall identify the listing firm in a reasonably prominent location and in
1217 a readily visible color and typeface not small than the median used in the display of listing data.

1218
1219 Displays of minimal information (e.g., “thumbnails”, text messages, “tweets”. Etc., of two hundred (200)
1220 characters of less) are exempt from this requirement but only when linked directly to a display that includes
1221 all required disclosures. For audio delivery of listing content, all required disclosures must be subsequently
1222 delivered electronically to the registered consumer performing the property search or linked to through the
1223 device’s application.

1224
1225 **Section 17.3 Display**

1226 Display of listing information pursuant to IDX is subject to the following rules:
1227

1228 **Section 17.3.1**

1229 Listings displayed pursuant to IDX shall contain only those fields of data designated by the MLS. Display of
1230 all other fields (as determined by the MLS) is prohibited. Confidential fields intended only for other MLS
1231 participants and users (e.g., cooperative compensation offers, showing instructions, property security
1232 information, etc.) may not be displayed.

1233
1234 **Section 17.3.1.1**

1235 The type of listing agreement (e.g., exclusive right to sell, exclusive agency, etc.) may not be displayed.
1236
1237

1238 **Section 17.3.2**

1239 Participants shall not modify or manipulate information relating to other participants' listings. (This is not a
1240 limitation on site design but refers to changes to actual listing data.) MLS data may be augmented with
1241 additional data not otherwise prohibited from display so long as the source of the additional data is clearly
1242 identified. This requirement does not restrict the format of MLS data display or display of fewer than all of
1243 the available listings or fewer authorized data fields.
1244

1245 **Section 17.3.3 (3rd instance of rule)**

1246 All listings displayed pursuant to IDX shall identify the listing firm in a reasonably prominent location and in
1247 a readily visible color and typeface not smaller than the median used in the display of listing data. Displays
1248 of minimal information (e.g. "thumbnails", text messages, "tweets", etc., of two hundred (200) characters or
1249 less are exempt from this requirement but only when linked directly to a display that includes all required
1250 disclosures. (Amended 5/12)
1251

1252 **Section 17.3.4**

1253 Non-principal brokers and sales licensees affiliated with IDX participants may display information available
1254 through IDX on their own websites subject to their participant's consent and control and the requirements of
1255 state law and/or regulation.
1256

1257 **Section 17.3.5**

1258 Participants (and their affiliated licensees, if applicable) shall indicate on their websites that IDX information
1259 is provided exclusively for consumers' personal, non-commercial use, that it may not be used for any
1260 purpose other than to identify prospective properties consumers may be interested in purchasing, and that the
1261 data is deemed reliable but is not guaranteed accurate by the MLS. The MLS may, at its discretion, require
1262 use of other disclaimers as necessary to protect participants and/or the MLS from liability. Displays of
1263 minimal information (e.g. "thumbnails", text messages, "tweets", etc., of two hundred (200) characters or
1264 less are exempt from this requirement but only when linked directly to a display that includes all required
1265 disclosures. (Amended 5/12)
1266

1267 **Section 17.3.6**

1268 The right to display other participants' listings pursuant to IDX shall be limited to a participant's office(s)
1269 holding participatory rights in this MLS.
1270

1271 **Section 17.3.7**

1272 Display of expired, withdrawn, and pending listings is prohibited.
1273

1274 **Section 17.3.8**

1275 Display of seller's(s') and/or occupant's(s') name(s), phone number(s), and email address(es) is prohibited.
1276

1277 **Section 17.3.9**

1278 Participants are required to employ appropriate security protection such as firewalls on their websites and
1279 displays, provided that any security measures required may not be greater than those employed by the MLS.
1280 (Amended 5/12)
1281

1282 **Section 17.3.10**

1283 Participants must maintain an audit trail of consumer activity on the their website and make that information
1284 available to the MLS if the MLS believes the IDX site has caused or permitted a breach in the security of the
1285 data or a violation of MLS rules related to use by consumers. (Amended 5/12)
1286

1287 **Section 17.3.11**

1288
1289 Deceptive or misleading advertising (including co-branding) on pages displaying IDX-provided listings is
1290 prohibited. For purposes of these rules, co-branding will be presumed not to be deceptive or misleading if the
1291 participant’s logo and contact information is larger than that of any third party. (Adopted 11/09)
1292

1293
1294
1295 **Section 17.4 Service Fees and Charges**

1296 Service fees and charges for participation in IDX shall be as established annually by the Board of Directors.
1297

1298 **Virtual Office Websites (VOWs)**

[Top](#)

1299
1300 **Section 18.1 VOW Defined**

- 1301 a. A “Virtual Office Website” (VOW) is a participant’s Internet website, or a feature of a participant’s
1302 website, through which the participant is capable of providing real estate brokerage services to
1303 consumers with whom the participant has first established a broker-consumer relationship (as defined
1304 by state law) where the consumer has the opportunity to search MLS listing information, subject to
1305 the participant’s oversight, supervision, and accountability. A non-principal broker or sales licensee
1306 affiliated with a participant may, with his or her participant’s consent, operate a VOW. Any VOW of
1307 a non-principal broker or sales licensee is subject to the participant’s oversight, supervision, and
1308 accountability.
- 1309 b. As used in Section 19 of these rules, the term “participant” includes a participant’s affiliated non-
1310 principal brokers and sales licensees—except when the term is used in the phrases “participant’s
1311 consent” and “participant’s oversight, supervision, and accountability”. References to “VOW” and
1312 “VOWs” include all Virtual Office Websites, whether operated by a participant, by a non-principal
1313 broker or sales licensee, or by an “Affiliated VOW Partner” (AVP) on behalf of a participant.
- 1314 c. “Affiliated VOW Partner” (AVP) refers to an entity or person designated by a participant to operate a
1315 VOW on behalf of the participant, subject to the participant’s supervision, accountability, and
1316 compliance with the VOW policy. No AVP has independent participation rights in the MLS by virtue
1317 of its right to receive information on behalf of a participant. No AVP has the right to use MLS listing
1318 information, except in connection with operation of a VOW on behalf of one or more participants.
1319 Access by an AVP to MLS listing information is derivative of the rights of the participant on whose
1320 behalf the AVP operates a VOW.
- 1321 d. As used in Section 19 of these rules, the term “MLS listing information” refers to active listing
1322 information and sold data provided by participants to the MLS and aggregated and distributed by the
1323 MLS to participants.
1324

1325 **Section 18.2 Participation**

- 1326
1327 a. The right of a participant’s VOW to display MLS listing information is limited to that supplied by the
1328 MLS(s) in which the participant has participatory rights. However, a participant with offices

1329 participating in different MLSs may operate a master website with links to the VOWs of the other
1330 offices.

- 1331 b. Subject to the provisions of the VOW policy and these rules, a participant's VOW, including any VOW
1332 operated on behalf of a participant by an AVP, may provide other features, information, or functions,
1333 e.g., "Internet Data Exchange" (IDX).
- 1334 c. Except as otherwise provided in the VOW policy or in these rules, a participant need not obtain separate
1335 permission from other MLS participants whose listings will be displayed on the participant's VOW.
1336

1337 **Section 18.3**

- 1338 a. Before permitting any consumer to search for or retrieve any MLS listing information on his or her VOW,
1339 the participant must take each of the following steps.
 - 1340 i. The participant must first establish with that consumer a lawful broker-consumer relationship (as
1341 defined by state law), including completion of all actions required by state law in connection with
1342 providing real estate brokerage services to clients and customers (hereinafter, "Registrants"). Such
1343 actions shall include, but are not limited to, satisfying all applicable agency, non-agency, and other
1344 disclosure obligations, and execution of any required agreements.
 - 1345 ii. The participant must obtain the name of and a valid e-mail address for each Registrant. The participant
1346 must send an e-mail to the address provided by the Registrant confirming that the Registrant has agreed
1347 to the terms of use (described in Subsection d., below). The participant must verify that the e-mail
1348 address provided by the Registrant is valid and that the Registrant has agreed to the terms of use.
 - 1349 iii. The participant must require each Registrant to have a user name and a password, the combination of
1350 which is different from those of all other Registrants on the VOW. The participant may, at his or her
1351 option, supply the username and password or may allow the Registrant to establish its user name and
1352 password. The participant must also assure that any e-mail address is associated with only one user
1353 name and password.
1354
- 1355 b. The participant must assure that each Registrant's password expires on a date certain, but may provide for
1356 renewal of the password. The participant must at all times maintain a record of the name, e-mail address,
1357 user name, and current password of each Registrant. The participant must keep such records for not less
1358 than one hundred eighty (180) days after the expiration of the validity of the Registrant's password.
1359
- 1360 c. If the MLS has reason to believe that a participant's VOW has caused or permitted a breach in the security
1361 of MLS listing information or a violation of MLS rules, the participant shall, upon request of the MLS,
1362 provide the name, e-mail address, user name, and current password, of any Registrant suspected of
1363 involvement in the breach or violation. The participant shall also, if requested by the MLS, provide an
1364 audit trail of activity by any such Registrant.
1365
- 1366 d. The participant shall require each Registrant to review and affirmatively to express agreement (by mouse
1367 click or otherwise) to a terms of use provision that provides at least the following:
 - 1368 i. that the Registrant acknowledges entering into a lawful consumer-broker relationship with the
1369 participant
 - 1370 ii. that all information obtained by the Registrant from the VOW is intended only for the Registrant's
1371 personal, non-commercial use
 - 1372 iii. that the Registrant has a bona fide interest in the purchase, sale, or lease of real estate of the type being
1373 offered through the VOW
 - 1374 iv. that the Registrant will not copy, redistribute, or retransmit any of the information provided, except in
1375 connection with the Registrant's consideration of the purchase or sale of an individual property
 - 1376 v. that the Registrant acknowledges the MLS' ownership of and the validity of the MLS' copyright in the
1377 MLS database

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- e. The terms of use agreement may not impose a financial obligation on the Registrant or create any representation agreement between the Registrant and the participant. Any agreement entered into at any time between the participant and Registrant imposing a financial obligation on the Registrant or creating representation of the Registrant by the participant must be established separately from the terms of use, must be prominently labeled as such, and may not be accepted solely by mouse click.
- f. The terms of use agreement shall also expressly authorize the MLS and other MLS participants or their duly authorized representatives to access the VOW for the purposes of verifying compliance with MLS rules and monitoring display of participants' listings by the VOW. The agreement may also include such other provisions as may be agreed to between the participant and the Registrant.

Section 18.4

A participant's VOW must prominently display an e-mail address, telephone number, or specific identification of another mode of communication (e.g., live chat) by which a consumer can contact the participant to ask questions or get more information about any property displayed on the VOW. The participant or a non-principal broker or sales licensee licensed with the participant must be willing and able to respond knowledgeably to inquiries from Registrants about properties within the market area served by that participant and displayed on the VOW.

Section 18.5

A participant's VOW must employ reasonable efforts to monitor for and prevent misappropriation, scraping, and other unauthorized uses of MLS listing information. A participant's VOW shall utilize appropriate security protection such as firewalls as long as this requirement does not impose security obligations greater than those employed concurrently by the MLS.

Note: MLSs may adopt rules requiring Participants to employ specific security measures, provided that any security measure required does not impose obligations greater than those employed by the MLS.

Section 18.6

- a. A participant's VOW shall not display the listings or property addresses of any seller who has affirmatively directed the listing broker to withhold the seller's listing or property address from display on the Internet. The listing broker shall communicate to the MLS that the seller has elected not to permit display of the listing or property address on the Internet. Notwithstanding the foregoing, a participant who operates a VOW may provide to consumers via other delivery mechanisms, such as e-mail, fax, or otherwise, the listings of sellers who have determined not to have the listing for their property displayed on the Internet.
- b. A participant who lists a property for a seller who has elected not to have the property listing or the property address displayed on the Internet shall cause the seller to execute a document that includes the following (or a substantially similar) provision.

Seller Opt-out Form

- 1. Check one.
 - a. I have advised my broker or sales agent that I do not want the listed property to be displayed on the Internet.

1426 b. I have advised my broker or sales agent that I do not want the address of the listed property to be
1427 displayed
1428 on the Internet.

1429
1430 2. I understand and acknowledge that if I have selected Option a., consumers who conduct searches for
1431 listings
1432 on the Internet will not see information about the listed property in response to their searches.
1433

1434
1435 _____
1436 Initials of Seller
1437

1438
1439 c. The participant shall retain such forms for at least one (1) year from the date they are signed or one (1)
1440 year from the date the listing goes off the market, whichever is greater.
1441

1442 **Section 18.7**

1443 a. Subject to Subsection b., below, a participant's VOW may allow third-parties:

- 1444 i. to write comments or reviews about particular listings or display a hyperlink to such comments or
1445 reviews in immediate conjunction with particular listings, or
- 1446 ii. to display an automated estimate of the market value of the listing (or hyperlink to such estimate) in
1447 immediate conjunction with the listing.
1448

1449 b. Notwithstanding the foregoing, at the request of a seller, the participant shall disable or discontinue either
1450 or both of those features described in Subsection a. as to any listing of the seller. The listing broker or
1451 agent shall communicate to the MLS that the seller has elected to have one or both of these features
1452 disabled or discontinued on all participants' websites. Subject to the foregoing and to Section 18.8, a
1453 participant's VOW may communicate the participant's professional judgment concerning any listing. A
1454 participant's VOW may notify its customers that a particular feature has been disabled at the request of the
1455 seller.
1456

1457 **Section 18.8**

1458 A participant's VOW shall maintain a means (e.g., e-mail address, telephone number) to receive comments
1459 from the listing broker about the accuracy of any information that is added by or on behalf of the participant
1460 beyond that supplied by the MLS and that relates to a specific property displayed on the VOW. The
1461 participant shall correct or remove any false information relating to a specific property within forty-eight
1462 (48) hours following receipt of a communication from the listing broker explaining why the data or
1463 information is false. The participant shall not, however, be obligated to correct or remove any data or
1464 information that simply reflects good faith opinion, advice, or professional judgment.
1465

1466 **Section 18.9**

1467 A participant shall cause the MLS listing information available on its VOW to be refreshed at least once
1468 every three (3) days.
1469

1470 **Section 18.10**

1471 Except as provided in these rules, in the NATIONAL ASSOCIATION OF REALTORS®' VOW policy, or in any
1472 other applicable MLS rules or policies, no participant shall distribute, provide, or make accessible any
1473 portion of the MLS listing information to any person or entity.

1474 **Section 18.11**
1475 A participant’s VOW must display the participant’s privacy policy informing Registrants of all of the ways
1476 in which information that they provide may be used.
1477

1478 **Section 18.12**

1479 A participant’s VOW may exclude listings from display based only on objective criteria, including, but not
1480 limited to, factors such as geography, list price, and type of property.

1481 **Section 18.13**

1482 A participant who intends to operate a VOW to display MLS listing information must notify the MLS of its
1483 intention to establish a VOW and must make the VOW readily accessible to the MLS and to all MLS
1484 participants for purposes of verifying compliance with these rules, the VOW policy, and any other applicable
1485 MLS rules or policies.

1486

1487 **Section 18.14**

1488 A participant may operate more than one VOW himself or herself or through an AVP. A participant who
1489 operates his or her own VOW may contract with an AVP to have the AVP operate other VOWs on his or her
1490 behalf. However, any VOW operated on behalf of a participant by an AVP is subject to the supervision and
1491 accountability of the participant.
1492

1493 **Section 18.15**

1494 A participant’s VOW may not make available for search by or display to Registrants any of the following
1495 information:

1496 a. expired, withdrawn, or pending (“under contract”) listings
1497 b. the compensation offered to other MLS participants
1498 c. the type of listing agreement, i.e., exclusive right-to-sell or exclusive agency
1499 d. the seller’s and occupant’s name(s), phone number(s), or e-mail address(es)
1500 e. instructions or remarks intended for cooperating brokers only, such as those regarding showings or
1501 security of listed property
1502

1503 **Note:** If sold information is publicly accessible in the jurisdiction of the MLS, Subsection 18.15e. must be
1504 omitted.
1505

1506 **Section 18.16**

1507 A participant shall not change the content of any MLS listing information that is displayed on a VOW from
1508 the content as it is provided in the MLS. The participant may, however, augment MLS listing information
1509 with additional information not otherwise prohibited by these rules or by other applicable MLS rules or
1510 policies, as long as the source of such other information is clearly identified. This rule does not restrict the
1511 format of display of MLS listing information on VOWs or the display on VOWs of fewer than all of the
1512 listings or fewer than all of the authorized information fields.
1513

1514 **Section 18.17**

1515 A participant shall cause to be placed on his or her VOW a notice indicating that the MLS listing information
1516 displayed on the VOW is deemed reliable, but is not guaranteed accurate by the MLS. A participant’s VOW
1517 may include other appropriate disclaimers necessary to protect the participant and/or the MLS from liability.
1518

1519 **Section 18.18**
1520 A participant shall require that Registrants' passwords be reconfirmed or changed every 180 days.
1521

1522 **Note:** Participants may, at their option, require Registrants to reconfirm or change passwords more
1523 frequently.
1524

1525 **Section 18.19**
1526 A participant may display advertising and the identification of other entities ("co-branding") on any VOW
1527 the participant operates or that is operated on his or her behalf. However, a participant may not display on
1528 any such VOW deceptive or misleading advertising or co-branding. For purposes of this section, co-branding
1529 will be presumed not to be deceptive or misleading if the participant's logo and contact information (or that
1530 of at least one participant, in the case of a VOW established and operated on behalf of more than one
1531 participant) is displayed in immediate conjunction with that of every other party, and the logo and contact
1532 information of all participants displayed on the VOW is as large as the logo of the AVP and larger than that
1533 of any third party.
1534

1535 **Section 18.20**
1536 A participant shall cause any listing displayed on his or her VOW obtained from other sources, including
1537 from another MLS or from a broker not participating in the MLS, to identify the source of the listing.
1538 *(Adopted 1/21/09)*
1539

1540 **Section 18.21**
1541 A participant shall limit the number of listings that a Registrant may view, retrieve, or download to not more
1542 than 500 current listings and not more than 500 sold listings in response to any inquiry. *(Adopted 12/18)*
1543

1544 **Lockbox Key Entry Systems**

1545

1546 **Section 19.1 Definition:** A lock box is a container affixed to property containing a device to gain access to
1547 the property being marketed by a participant in the MLS. Participants in the MLS or their salespersons (and
1548 licensed or certified appraisers affiliated with the participants) are authorized under certain conditions to open
1549 these lock boxes under terms specified by the listing broker. Cooperating brokers and sales licensees, whether
1550 functioning as subagents of the listing broker or as agents of potential purchasers, must contact the listing
1551 broker to disclose their agency status and to arrange appointments to show listed property even if the property
1552 has a lock box affixed to it unless the listing broker has given specific permission (through information
1553 published in the MLS or otherwise) to show the property without first contacting the listing broker.
1554

1555 **Section 19.2 Lock Box Security Requirements**

- 1556 1. Any key, programmer, or other device (hereinafter referred to as key) by which a lock box can be
1557 opened shall be nonduplicative. By nonduplicative it is not meant that the key is necessarily covered
1558 by a current patent but that it cannot be readily copied in the manner that other types of keys ordinarily
1559 are.
- 1560 2. Keys must be obtained from the original manufacturer, from a recognized vendor of lock box systems
1561 or from any other legitimate source. Prior to utilizing previously used keys, lids, or boxes, information
1562 shall be obtained from the original manufacturer to determine whether the key's pattern, code, or
1563 configuration is already in use by other associations, multiple listing services, or other users in the
1564 vicinity. Surrounding associations and multiple listing services shall also be contacted to determine
1565 whether the key's pattern, code, or configuration is currently in use.
- 1566 3. The lock box system is an activity of Capital Area Technology & REALTOR® Services, Inc. and as
1567 such, every MLS participant and every non-principal broker, sales licensee and licensed or certified

1568 appraiser who is affiliated with an MLS participant and who is legally eligible for MLS access shall be
1569 eligible to hold a key subject to their execution of a lease agreement with the lockbox vendor.

- 1570 4. The MLS charges keyholders with the obligation of immediately reporting lost, stolen, or otherwise
1571 unaccountable for keys to the association. Upon receipt of notice, the MLS shall take any steps
1572 deemed necessary to resecure the system.
1573

1574 **Section 19.3 Refusing Service**

1575 CATRS may refuse to sell or lease lock box keys, may terminate existing key lease agreements, and may refuse
1576 to activate or reactivate any key held by an individual convicted of a felony or misdemeanor if the crime, in
1577 the determination of the association or MLS, relates to the real estate business or puts clients, customers, or
1578 other real estate professionals at risk.
1579

1580 CATRS may suspend the right of lock box keyholders to use lock box keys following their arrest and prior to
1581 their conviction for any felony or misdemeanor which, in the determination of the association or MLS, relates
1582 to the real estate business or which puts clients, customers, or other real estate professionals at risk.
1583

1584 Factors that can be considered in making such determinations include, but are not limited to:

- 1585 • the nature and seriousness of the crime
 - 1586 • the relationship of the crime to the purposes for limiting lock box access
 - 1587 • the extent to which access (or continued access) might afford opportunities to engage in similar criminal
1588 activity
 - 1589 • the extent and nature of past criminal activity
 - 1590 • time since criminal activity was engaged in
 - 1591 • evidence of rehabilitation while incarcerated or following release and
 - 1592 • evidence of present fitness
- 1593

1594 No one shall be required to lease a key from the association except on a voluntary basis.
1595

1596 **Section 19.4 Lockbox Use**

1597 Lock boxes may not be placed on a property without written authority from the seller. This authority may be
1598 established in the listing contract or in a separate document created specifically for the purpose.
1599

1600 It is against MLS Rules to lend a key to someone or to borrow anyone's key. There is no circumstance that
1601 this is allowed. The lender and the borrower are each subject to an automatic \$500 FINE for each instance of
1602 this violation.
1603

1604 If you lose your key or cannot get it to work, you can ask another keyholder to go with you to the showing or
1605 call one of the designated members who has in their possession, a LOANER KEY. A list of the current
1606 members in possession of a loaner key is available from the CATRS office. (Adopted 10/6/2009)