



CAPITAL AREA REALTORS®  
EGYPTIAN BOARD OF REALTORS®  
PEORIA AREA ASSOCIATION OF REALTORS®  
QUAD CITY AREA REALTORS®

# BYLAWS

**(Effective October 1, 2021)**

## **ARTICLE I – AUTHORITY**

The RMLS Council has the following authority to: adopt rules and regulations for the MLS, in compliance with the National Association of REALTORS®, and amendments to same; issue policy interpretations; interpret rules and regulations in case of dispute; establish fines and sanctions for violation of those rules and regulations; and, to enforce these rules and regulations.

## **ARTICLE II – NAME AND PURPOSE**

1. The name of this Multiple Listing Service (“MLS”) shall be, "RMLS Alliance, LLC" and the letters "RMLS" hereinafter mentioned shall be referred to as the RMLS, all the shares of stock of which are solely and wholly-owned by the RMLS Alliance, LLC shareholder REALTOR® associations.
2. Purpose. The Multiple Listing Service shall be, by definition, a service of the RMLS whereby authorized Participants ("Participant" referred to herein means designated licensed managing brokers, or licensed or certified appraisers, and licensed or certified appraisers and "users" referred to herein means licensed brokers or licensed or certified appraisers) make blanket unilateral offers of compensation to other Participants (acting as buyer agents, or in other agency or non-agency capacities defined by law); by which cooperation among Participants is enhanced; by which information is accumulated and disseminated to enable authorized Participants to prepare appraisals, analysis, and other valuations of real property for bon-a-fide clients and customers; by which Participants engaging in real estate appraisal contribute to common databases; and is a facility for the orderly correlation and dissemination of listing information so Participants may better serve their clients and the public. Entitlement to compensation is determined by the cooperating broker’s performance as procuring cause of the sale (or lease).

## **ARTICLE III– PARTICIPATION**

1. Eligibility for participation in the MLS shall consist of the following requisites:

**Participation:** Any REALTOR® of any member association who is a principal, partner, corporate officer, or branch office manager acting on behalf of a principal, without further qualification, except as otherwise stipulated in these rules, shall be eligible to participate in the MLS upon agreeing in writing to conform to the rules and regulations thereof and to pay the costs incidental thereto. However, under no circumstances is any individual or firm, regardless of membership status, entitled to MLS “membership” or “participation” unless they hold a current, valid real estate managing broker’s license and offer or accept compensation to and from other Participants or are licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property. Use of information developed by or published by the RMLS is strictly limited to the activities authorized under a Participant’s licensure(s) or certification and unauthorized uses are prohibited. Further, none of the foregoing is intended to convey “participation” or “membership” or any right of access to information developed by or published by the RMLS where access to such information is prohibited by law. The REALTOR® principal of any firm, partnership, corporation, or the branch office manager designated by said firm, partnership, or corporation as the participant shall have all rights, benefits, and privileges of the service, and shall accept all obligations to the service for the participant’s firm, partnership, or corporation, and for compliance with the bylaws and rules and regulations of the service by all persons affiliated with the participant who utilize the service.

**Note:** *Mere possession of a managing broker's license is not sufficient to qualify for MLS participation. Rather, the requirement that an individual or firm 'offers or accepts cooperation and compensation' means that the Participant actively endeavors during the operation of its real estate business to list real property of the type listed on the MLS and/or to accept offers of cooperation and compensation made by listing brokers in the MLS. “Actively” means on a continual and on-going basis during the operation of the Participant's real estate business. The 'actively' requirement is not intended to preclude MLS participation by a Participant or potential Participant that operates a real estate business on a part time, seasonal, or similarly time-limited basis or that has its business interrupted by periods of relative inactivity occasioned by market conditions. Similarly, the requirement is not*

*intended to deny MLS participation to a Participant or potential Participant who has not achieved a minimum number of transactions despite good faith efforts. Nor is it intended to permit an MLS to deny participation based on the level of service provided by the Participant or potential Participant as long as the level of service satisfies state law.*

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

- a.** Submission of a completed MLS application form, as adopted by the association where the Participant purchases MLS services and deliver same to the association office with initial membership fee.
- b.** Payment of the initial Participation fee and any recurring fees.
- c.** Any applicant for MLS participation and any licensee affiliated with an MLS Participant who has access to and use of MLS generated information shall complete an orientation program of no more than eight (8) classroom hours devoted to the MLS rules and regulations and computer training related to MLS information entry and retrieval and the operation of the MLS. The time-frame within which orientation shall be completed and the specific content and length of the orientation program shall be approved by the Council.

2. Discontinuance of Service. A Participant may discontinue MLS service by giving proper notice to his or her association in a manner specified by the association. Participants may reapply to an association for MLS participation in the same manner prescribed for new applicants, provided all outstanding dues, fines and fees are fully paid.
3. Transfer. Participation in the MLS is not transferable, nor shall Participants have any proprietary interest in the MLS. Whenever a Participant disassociates himself/herself from the firm for which participation in the service is held, a new application including initial membership fee, from the REALTOR® who is to become the Participant for that firm, must be completed. The new Participant must do this within thirty (30) days of the date of disassociation or service will be discontinued until such time as membership requirements have been met.
4. Subscribers. Subscribers (or users) of the MLS include non-principal brokers, sales associates, and licensed and certified appraisers affiliated with participants. Subscribers also include affiliated unlicensed administrative and clerical staff, personal assistants, and individuals seeking licensure or certification as real estate appraisers who are under the direct supervision of an MLS participant or the participant's licensed designee.
5. Unlicensed Support Personnel. Administrative, personal assistants, or secretarial personnel shall be allowed access to the MLS to the extent necessary for them to perform their duties with and for the Participant and the Participant's Subscribers. The Participant shall make application for and pay the appropriate fees for administrative access in the manner and amounts established by the Council.