

PROPOSED AMENDMENT TO CAR BYLAWS TO ESTABLISH AN MLS

ARTICLE I

NAME AND OBJECTS

Section 1. Name. The name of the organization shall be: CONNECTICUT ASSOCIATION OF REALTORS®, Inc., hereinafter referred to as the Association.

Section 2. Objects. The objects of this Association shall be:

- A. To engage in any lawful act or activity for which corporations may be formed under the Connecticut Non-stock Corporation Act not inconsistent with the requirements of any State or Federal tax exemption granted the Association;
- B. To unite local Boards of REALTORS® and their members in the State of Connecticut for the purpose of exerting effectively a combined influence upon matters affecting real estate, to elevate the standards of the real estate business throughout the state and the professional conduct of persons engaged therein;
- C. To promote the individual ownership of homes and real estate in the State of Connecticut as a wise and profitable investment; and
- D. To cooperate with other organizations in the civic development and the economic growth of the State of Connecticut.
- E. (New) To establish entities to provide services to members of the Association.

ARTICLE XIII

ESTABLISHMENT OF MULTIPLE LISTING SERVICE AS MEMBER SERVICE

Section 1. Authority. (NEW) The Association shall maintain for the use of its Members a Multiple Listing Service.

Section 2. Purpose. (NEW) The Multiple Listing Service shall be a means by which authorized Participants make blanket unilateral offers of compensation to other Participants acting as buyer agents (or in other agency or non-agency capacities to whom such offers are permitted by law); by which cooperation among participants is enhanced; by which information is accumulated and disseminated to enable authorized Participants to prepare appraisals, analyses, and other valuations of real property for bona 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 among the Participants so the participants may better serve their clients and the public. Entitlement to compensation is determined by the cooperating broker's performance as a procuring cause of the sale (or lease).

Section 3. Governing Documents. (NEW) The Board of Directors shall cause any Multiple Listing Service established by it pursuant to this Article to conform its governing documents, rules, regulations, and policies, practices, and procedures at all times to the Constitution, Bylaws, Rules, Regulations, and Policies of the NATIONAL ASSOCIATION OF REALTORS®.

Section 4. Participation by Association member. (NEW) Any REALTOR® member of this Association or any other Association of Realtors® who is a principal, partner, corporate officer, or branch office manager acting on behalf of the principal, without further qualification, except as otherwise stipulated in these bylaws, shall be eligible to participate in the Multiple Listing Service 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 Multiple Listing Service "membership" or "participation" unless they hold a current, valid real estate broker's license and are capable of offering and accepting 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 such Multiple Listing Service is strictly limited to the activities authorized under a Participant's licensure(s) 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 such Multiple Listing Service where access to such information is prohibited by law.

Section 5. Subscribers. (NEW) Subscribers (or users) of the MLS include licensees who are non-principal brokers, sales associates affiliated with Participants, and licensed and certified appraisers affiliated with Participants.

Section 6. Voting Procedures. (NEW) On any MLS matter on which the Association's approval is required by the articles of incorporation or bylaws of the multiple listing service or which is referred to the Association by vote of the Directors of the MLS, the matter must be approved by both the Executive Committee and the Board of Directors. If the Executive Committee approves the matter, it shall then be submitted to the Board of Directors. Notice of the matter to be approved shall be given to the Directors in the same manner and in the same time period as notice is provided for elections of officers. The affirmative vote of two-thirds (2/3) of the Directors at a meeting of the Board of Directors at which a quorum is present shall constitute the approval of the Board of Directors.

ARTICLE XIII XIV

USE OF THE TERMS "REALTOR®"/"REALTOR-ASSOCIATE®"

Section 1. Jurisdiction. Use of the terms "REALTOR®", "REALTORS®", or "REALTOR®-ASSOCIATE" shall at all times be subject to the provisions of the Constitution and Bylaws of the NATIONAL ASSOCIATION OF REALTORS® and to the Rules and Regulations prescribed by its Board of Directors. The State Association otherwise shall have primary control of the use of the terms within those areas of Connecticut not within the jurisdiction of a Member Board of the National Association.

Section 2. Institute Affiliate Members. An Institute Affiliate Member shall not use the term "REALTOR®", "REALTORS®", OR REALTOR-ASSOCIATE® and shall not use the imprint of the emblem seal of the NATIONAL ASSOCIATION OF REALTORS®.

Section 3. Use of Terms and Trademarks. REALTOR® members of the State Association shall have the privilege of using the terms REALTOR® and REALTORS® in connection with their business so long as they remain REALTOR® members in good standing. No other class of members shall have this privilege.

Section 4. Use of Terms and Trademarks by Entities. A REALTOR® member who is a principal of a real estate firm, partnership or corporation may use the terms REALTOR® or REALTORS® only if all the principals of such firm, partnership or corporation who are actively engaged in the real estate profession within the state or a state contiguous thereto are REALTOR® or Institute Affiliate Members.

Section 5. Use of Trademark "REALTOR-ASSOCIATE®". REALTOR-ASSOCIATE® members of the state association shall have the right to use the term REALTOR-ASSOCIATE® so long as they remain REALTOR-ASSOCIATE® members in good standing and the REALTOR® member with whom they are associated or by whom they are employed is also a REALTOR® member in good standing.

ARTICLE XIV XV

NEW ENGLAND REALTORS® COMMITTEE

Section 1. Membership. The Connecticut Association of REALTORS® shall be a member of the New England REALTORS® Committee. The President, President-elect and Executive Vice President shall represent the Connecticut Association of REALTORS® as members of the New England REALTORS® Committee.

ARTICLE XV XVI

RULES OF ORDER

Section 1. Robert's Rules of Order. Robert's Rules of Order, latest edition, shall be the authority governing all meetings and conferences when not in conflict with the Bylaws of the Association or Connecticut law.

ARTICLE XVI XVII

AMENDMENTS

Section 1. Procedure. These Bylaws may be amended by the affirmative vote of Directors holding a majority of the Directorships present and voting, provided that written notice of the substance of any proposed amendment shall first have been sent to each Director at least fourteen (14) days in advance of any meeting at which such amendment is to be considered. Any provision of these Bylaws which requires a vote of other than a majority of the directors may only be amended by the affirmative vote of at least two thirds of the directorships present and voting.

Amendments to these Bylaws affecting the admission or qualifications of Active Members, Associate Members and Affiliate Members, the use of the term "REALTOR®", "REALTORS®", or "REALTOR®-ASSOCIATE", or any alteration in the territorial jurisdiction of a Board shall become effective upon the approval of the Board of Directors of the NATIONAL ASSOCIATION.

ARTICLE XVII XVIII

DISSOLUTION

Section 1. Dissolution. Upon the dissolution or winding up of the affairs of the Association, the Board of Directors, after providing for the payment of all obligations, shall distribute any remaining assets to any other non-profit and tax exempt organization.