

CHAPTER Auc 300 LICENSING REQUIREMENTS

Readopt with amendment Auc 301.01, effective 6-7-17 (Document #12201-B), to read as follows:

PART Auc 301 APPLICATION

Auc 301.01 Required Information.

(a) Each applicant for a New Hampshire auctioneer's license under RSA 311-B shall complete and submit a "Universal Application for Initial License" required in Plc 304.01(a)(1) by providing the information pursuant to Plc 304.03, and by signing and attesting as required pursuant to Plc 304.05.

(b) Each applicant shall submit recommendations from 2 business references, such as but not limited to a banker, accountant, or attorney, certifying the applicant is trustworthy and competent to auction real, personal, and mixed property in such a manner as to safeguard the interests of the public.

(c) Each reference shall have an acquaintance of at least one year duration with the applicant, be familiar with past business experience and dealings of the applicant, and shall not be related to the applicant.

(d) Each reference shall recommend the applicant for licensure as an auctioneer.

(e) Each recommendation shall contain the following:

- (1) Name, address, and telephone number of the reference;
- (2) Extent of the reference's acquaintanceship with the applicant;
- (3) Familiarity with the past business experience and dealings of the applicant;
- (4) Such other knowledge of the applicant and the applicant's background upon which the recommendation is founded; and
- (5) Date and signature of the individual recommending the applicant.

(f) The applicant shall submit proof of competence in one of the following 2 forms:

- (1) An affidavit from the supervising auctioneer(s) certifying that the applicant has served as an apprentice auctioneer for said auctioneer(s) for a total period of not less than 6 months and ~~had~~ participated in all phases of auctioneering over the course of not less than a total of 10 auctions under said auctioneer(s); or
- (2) A certificate of graduation from an approved auctioneering school.

(g) The apprenticeship affidavit shall contain the following information:

- (1) Name and address of the supervising auctioneer;
- (2) The name and type of each auction in which the applicant worked under the supervision of the supervisor;
- (3) The specific dates of the auctions worked;

#14702 (eff 11-20-26)

- (4) A description of the responsibilities of the apprentice during the apprenticeship;
- (5) A description of the duties performed by the apprentice at the specific auctions worked; and
- (6) A statement of competency established through the apprenticeship.

(h) The phases of auctioneering in which an auctioneer on apprenticeship shall participate shall include the following categories:

- (1) Bid caller;
- (2) Cashier;
- (3) Scribe;
- (4) Runner;
- (5) Dealing with consignors;
- (6) Preparation of flyers, and advertising;
- (7) Auction set up;
- (8) Tagging;
- (9) Lotting; and
- (10) Auction financial accounting.

(i) If required by Auc 303.01, the applicant shall submit a copy of the examination results from the board of auctioneer's examination taken within 6 months of the application date.

Repeal Auc 301.02, effective 6-7-17 (Document #12201-B), as follows:

~~— Auc 301.02 Non Resident Information. The non resident application shall have the same information as the resident application with the addition of a power of attorney appointing the New Hampshire Secretary of State's office as said out of state auctioneer's attorney for purposes of service of process in New Hampshire.~~

Readopt with amendment and renumber Auc 301.03, effective 6-7-17 (Document #12201-B), as Auc 301.02 to read as follows:

Auc 301.02 Licensing for Active Duty Military Spouses.

(a) Each applicant for facilitated licensure who is a military spouse pursuant to RSA 332-G:7, III shall apply to the OPLC for licensure as specified in Auc 301.01 and pay the fee set forth in Plc 1002.52.

(b) Each applicant for facilitated licensing as a military spouse shall provide a copy of the military member's orders showing proof of active duty status.

#14702 (eff 11-20-26)

(c) Each applicant who applies for facilitated licensing as a military spouse shall be eligible to obtain a facilitated license if the military spouse is licensed or registered in another state or jurisdiction, provided that the other state's or jurisdiction's licensure or registration requirements are consistent with Auc 301.01.

(d) The candidate for licensure shall request that the verifying jurisdiction submit verification of licensure and examination directly to the OPLC for approval.

(e) A military spouse who obtains a facilitated license shall comply with all license renewal requirements pursuant to Auc 401.01.

Readopt with amendment Auc 302 effective 6-7-17 (Document #12201-B), to read as follows:

PART Auc 302 QUALIFICATION

Auc 302.01 Apprenticeships. An apprenticeship shall be served under one or more auctioneers for a period of not less than one year and no more than 2 years, with participation in all phases of auctioneering, as required pursuant to Auc 301.01(h) over the course of not less than 10 auctions under said auctioneers.

Auc 302.02 Auctioneering Schools.

(a) For the purposes of this section, an "instructional hour" means at least 50 minutes of classroom instruction.

(b) For a certificate of graduation from an auction school to be approved under Auc 301.01(f)(2), the applicant shall have successfully completed the program of an auction school with:

- (1) A minimum of 80 hours of required classroom instruction including a minimum of 50 hours devoted to core curriculum subject matter. The remaining hours may be devoted to elective subject matter;
- (2) Core curriculum subject matter including bid calling, ethics, advertising, accounting procedures, auction law, Uniform Commercial Code (UCC), contracts and legal matters, closing statements, and settlements; and
- (3) Optional subject matter, related to auctioneering, including, but not limited to, subjects such as, antiques and furniture, real estate, environmental issues, computers, firearms, bankruptcy sales, art, rugs, and jewelry, body language, sale preparation, heavy equipment and farm machinery, automobiles, livestock, public speaking, estate auctions, personal appearance, auction bid assisting, and appraising.

(c) The applicant shall pass a written examination, given by the school, with a minimum passing score of 75% to receive a certificate of graduation.

Auc 302.03 Standards for Approval of Auctioneering Schools. In order to qualify as a board certified auctioneering school, the auctioneering school shall provide a history of the school and its qualifications as well as a list of intended instructors and their qualifications, and a course curriculum and schedule to demonstrate that:

(a) The school requires the minimum number of hours of course work in each of the following core curriculum subject areas as indicated:

#14702 (eff 11-20-26)

- (1) Auctioneer ethics, 10 hours;
 - (2) Auction-related principles of contract law, 4 hours;
 - (3) Auction-related provisions of the UCC, 2 hours;
 - (4) Auction closing statements and accounting practices, 6 hours;
 - (5) Auctioneer presentation and bid calling skills, 10 hours;
 - (6) Auction advertising strategies, 6 hours;
 - (7) Auction logistics, 6 hours; and
 - (8) Starting and operating an auction business; 6 hours;
- (b) The school offers the following course work on an elective basis:
- (1) Sales of antiques and furniture, firearms, art, rugs, jewelry, automobiles, heavy equipment, farm machinery, estates, and computers;
 - (2) Business liquidations, including real estate and foreclosures, industrial and small business liquidations, and farm and livestock liquidations;
 - (3) Auction related environmental issues;
 - (4) Bankruptcy sales;
 - (5) Auction business practices including sale preparation, and appraising;
 - (6) Personal attributes of auctioneers such as body language, public speaking, and personal appearance; and
 - (7) Auction bid assistance; and
- (c) The board shall approve the school if it determines that:
- (1) The school demonstrates compliance with (a)-(b) above; and
 - (2) The courses are led by instructors with experience in and mastery of the subject matter of the course.

PART Auc 303 EXAMINATION

Readopt with amendment Auc 303.01, effective 6-7-17 (Document #12201-B), as amended effective 1-10-18 (Document #12450), to read as follows:

Auc 303.01 Written Examination.

- (a) In addition to the requirements of RSA 311-B:5, each applicant shall pass a written examination in the following subject areas:

#14702 (eff 11-20-26)

(1) State and federal statutes and administrative rules relative to auctioneering, including but not limited to the following:

- a. RSA 311-B;
- b. RSA 358-A:2, relative to deceptive acts and practices;
- c. RSA 358-G, relative to regulation of auctions;
- d. RSA 444:1, relative to liens on personal property;
- e. RSA 382-A:2-328, relative to sales by auction; and
- f. Auc 100 through Auc 500;

(2) Generally accepted accounting practices for buyer and seller, including, but not limited to, an explanation of methods of recording sales, making lists of items sold, consignor boards, costs, and net sales; and

(3) Auctioneering mathematics including calculating commissions, premiums, consignor settlements, and costs of sales.

(b) The board shall publish printed material including but not limited to tips for preparing for the license examination, study materials, and sample questions.

(c) The passing grade on the written examination shall be at least 75% correct.

(d) The examination shall be taken only after the completion of one of the following requirements:

- (1) An apprenticeship of at least 6 months with a minimum of 10 auctions, pursuant to Auc 302.01; or
- (2) Successful completion of an auctioneering school pursuant to Auc 302.02.

(e) Applicants who pass the examination shall apply for licensure within 6 months of passing the examination, otherwise the applicant shall retake the examination.

Repeal Auc 303.02 and Auc 303.03, effective 6-7-17 (Document #12201-B), as follows:

Auc 303.02 Written Examination Registration.

~~(a) Applicants shall submit a completed auctioneer licensing examination registration form to take the written examination. The registrations for the examination, including the \$75 examination fee, shall be submitted to the board OPLC at least 2 weeks prior to the examination date. Qualifying applicants shall be mailed an admission ticket at least one week prior to the examination date. There will be no entry to the examination without this admission ticket and photo identification.~~

~~(b) The registration form for admission to the examination shall contain the following:~~

- ~~(1) Name, address, telephone number email address of the applicant;~~

#14702 (eff 11-20-26)

~~(2) Auctioneering school attended address and telephone number, if applicable, and date of graduation;~~

~~(3) Name, address and telephone number of supervising auctioneers for applicant's apprenticeship, if applicable, and date of completion of apprenticeship;~~

~~(4) Requested examination date; and~~

~~(5) Applicant's signature and date.~~

~~— (c) Applicants who fail to attend an examination for which they are scheduled shall be required to submit a new examination registration form and fee if they desire to be rescheduled unless the applicant furnishes written proof of inability to attend.~~

~~— (d) Applicants who do not receive a passing grade for the examination shall submit a new examination registration form and fee if they desire to be rescheduled.~~

~~Auc 303.03 Notice of Results. The board shall notify each applicant, in writing only, of the results of said examination by section within 14 days of the examination. Results shall not be released by telephone. License application shall be within 6 months of passing of the examination, otherwise the examination shall be retaken.~~

Readopt with amendment Auc 304, effective 6-7-17 (Document #12201-B), to read as follows:

PART Auc 304 FEES

Auc 304.01 License Fees. Applicants shall pay the fee required pursuant to Plc 1002.52.

Auc 304.02 Renewal Fees. Applicants for renewal of an auctioneer's license shall pay the fee required pursuant to Plc 1002.52.

Auc 304.03 Examination Fee. Applicants for the New Hampshire auctioneer's licensing examination shall pay the required fee pursuant to Plc 1004.

Repeal Auc 305, effective 6-7-17 (Document #12201-B), as follows:

~~PART Auc 305 ISSUING OF LICENSE~~

~~— Auc 305.01 License Number.~~

~~— (a) On issuance of a New Hampshire auctioneer's license, each licensee shall receive a license number which the licensee shall retain as long as licensed and said license is renewed pursuant to Auc 401.~~

~~— (b) A license number shall not be assigned to anyone other than to the person to whom it was originally issued.~~

CHAPTER Auc 400 CONTINUED STATUS

Readopt with amendment Auc 400, effective 6-7-17 (Document #12201-B), to read as follows:

#14702 (eff 11-20-26)

PART Auc 400 RENEWAL

Auc 401.01 Renewal Form. Each licensee seeking renewal shall submit a completed “Universal Application for License Renewal”, as required pursuant to Plc 308.05, by providing the information required by Plc 308.06, ~~and~~ the additional information and documentation pursuant to Plc 308.07, and by signing and attesting pursuant to Plc 308.08.

Auc 401.02 Notice of Expiration. Renewal notices shall be sent pursuant to Plc 308.03.

Auc 401.03 Reinstatement Licensure.

(a) If a license is not renewed before the expiration date, then the license shall be deemed to have expired. To reinstate an expired license that has not yet lapsed, an applicant shall complete the process for renewing a license specified in Plc 308, and submit the required fee pursuant to Plc 1002.52.

(b) If a licensee does not reinstate a license pursuant to (a) above, then the license has lapsed, and the person shall apply for an initial license pursuant to Auc 301.01.

Auc 401.04 Active Duty Military Inactive Status.

(a) Licensees who are members of any reserve component of the armed forces of the United States or the national guard may request inactive status pursuant to Plc 307.06.

(b) To request the reactivation of a license that was put on inactive status pursuant to Plc 307.06, the licensee shall submit a completed request pursuant to Plc 307.07.

APPENDIX I

Rule	Specific State Statute the Rule Implements
Auc 301.01	RSA 311-B:3, I(a); RSA 311-B:5, I, II, III, VI
Auc 301.02 (repeal)	2023, 79:275(II)
Auc 301.02 (former Auc 301.03)	RSA 311-B:3, I(a); RSA 311-B:5, II, III, VI; RSA 310:16; RSA 332-G
Auc 302.01	RSA 311-B:3, II(c); RSA 311-B:5, VI
Auc 302.02	RSA 311-B:3, II
Auc 302.03	RSA 311-B:3, II(b)
Auc 303.01	RSA 311-B:5, VIII; RSA 311-B:3, I(a)
Auc 303.02 (repeal)	
Auc 303.02 (repeal)	
Auc 304.01	RSA 310:5; RSA 310:6, I
Auc 304.02 – Auc 304.03	RSA 310:5; RSA 310:6; RSA 311-B:5, VII
Auc 305.01(repeal)	2023, 79:273, effective September 1, 2023.
Auc 401.01	RSA 311-B:3, I(a); RSA 311-B:5, VI; RSA 541-A:16, I(a)
Auc 401.02	RSA 310:8, I; RSA 541-A:16, I(a)
Auc 401.03	RSA 311-B:3, I(a); RSA 541-A:16, I(a)
Auc 401.04	RSA332-G:7, II; RSA 541-A:16, I(a)