

## 15. Electronic Lockbox and Keypad Regulations

15.1 Eligibility for Lockboxes. Lockboxes and keypads are administered by an Administrator in the BAREIS Primary Service Area. Members in good standing with BAREIS or a reciprocal entity as defined in Section 8 are eligible for lockbox privileges. Administrative Users are not eligible for lockbox privileges. BAREIS Members shall be eligible to hold an electronic lockbox and keypad provided:

- a) The keypad holder signs a lease agreement with his/her local keypad administrator.
- b) The Broker Participant to which the keypad holder is licensed cosigns the lease agreement (if necessary under the lease agreement).
- c) The keypad holder continues to comply with all BAREIS Regulations relating to lockboxes and keypads and all terms of the lease agreement and user's guide provided by the issuing entity.
- d) The Member remains eligible for BAREIS MLS services.

15.2 Keypad Use. Keypads may not be used under any circumstances by anyone other than the keypad holder. Permitting the unauthorized use of a keypad is subject to the fine listed in EXHIBIT A-2. All Confidential Information accessed by or through a lockbox keypad shall be subject to Section 12.2.1 of these Regulations. If a keypad user loses a keypad, or the keypad is stolen and the access codes are stored with a keypad, this shall be considered permitting unauthorized use. Keypads may only be used for the purpose of facilitating the sale or lease of a listed property.

15.3 Accountability. Keypad holders must account for keypads at the time of any inventory conducted by the issuing keypad administrator, or its designated representative. Keypad holders who voluntarily or involuntarily cease to subscribe to the MLS shall promptly return all keypads in their possession to the MLS.

15.4 Deemed Unaccountable. Keypads shall be deemed unaccounted for if a keypad holder refuses or is unable to demonstrate that the keypad is within the keypad holder's physical control.

15.5 Written Authority for Placement and Removal of Lockbox. Members shall not place a lockbox on a property without written authorization from the Seller and without advising the Seller of the Seller's duty to secure permission for Broker access from the occupant, if the occupant is not the Seller. The Listing Broker must remove the lockbox from the property within one day after close of escrow, termination, or unless instructed otherwise in writing by the Buyer or the Buyer's agent.

15.6 Listing Broker's Permission. No Member may enter a property with or without a lockbox without the Listing Broker's permission. Permission may be granted by the Listing Broker to use the lockbox through the MLS Database. Appraisers are prohibited from using keypads to enter a property without either the Seller's or Listing Broker's permission. Showing instructions contained in the database do not satisfy the appraiser-permission requirement.

15.7 Unaccounted for Keypads. Keypad holders and Broker Participants cosigning with a keypad holder shall immediately report lost, stolen, or otherwise unaccounted for keypads to its local keypad administrator or its designated representative in accordance with the lease agreement.

15.8 Failure to Abide by Regulations. Failure to abide by these Regulations and the usage requirements of the entity issuing the lockbox and keypad may result in disciplinary sanctions as provided within these Regulations, in addition to loss of or restriction on all lockbox and keypad privileges.

15.9 Right to Limit Access. BAREIS reserves the right to refuse or limit access to lockboxes if, in its sole discretion, it determines the security of the system would be compromised by granting access to lockboxes.

15.10 Protection of Property. Extreme care shall be used by a Member to ensure that all doors and access points to the listed property to which the Member has had access and the lockboxes thereon are locked. A Member must be physically present on the property at all times when providing access to a listed property unless the Seller has consented otherwise in writing.

15.10.1 Use of Lockbox Contents. Keys or devices used to access the property may only be used to enter the property for the purpose of showing or selling the property unless permission otherwise is granted in writing by the Listing Broker or Seller. Members shall at all times follow the showing instructions published in the MLS Database. Members shall not remove contents of the lockbox for purposes other than facilitating the sale or lease of the property. While at the property, Members shall keep lockbox contents in their possession at all times after removal from the lockbox. The lockbox or contents shall not be removed from the property without prior consent from the Listing Broker. Members shall return key or device to access property to the lockbox upon exiting the property.

15.11 Compatible Lockboxes; Multiple Lockboxes. If a lockbox or keyless access device is present on a property for the purpose of allowing agents access to that property and is located in the Primary Service Area (Sonoma, Marin, Napa, Solano or Mendocino) and listed for sale or lease in the MLS Database, a BAREIS-approved electronic lockbox must be present, or a lockbox that is compatible with the BAREIS-approved system or has been otherwise approved in writing by BAREIS. The BAREIS-approved lockbox must include a key, device, combination, or code to access property. This Regulation 15.11 does not prohibit the placement of additional lockboxes. Commercial, Multi-Unit 5+, and Business Opportunity listings are excluded from this Regulation 15.11.