

ENGROSSED SENATE  
BILL NO. 3

BY: ROBINSON of the SENATE

and

SETTLE of the HOUSE

AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS;  
AUTHORIZING THE OKLAHOMA REAL ESTATE COMMISSION TO  
ESTABLISH A REAL ESTATE BROKERS' TRUST ACCOUNT  
PROGRAM; PROVIDING FOR DISBURSEMENT OF CERTAIN  
INTEREST FROM ACCOUNT TO NONPROFIT CORPORATION  
DESIGNATED BY THE COMMISSION; STATING REQUIREMENTS  
TO BE MET BY NONPROFIT CORPORATION; MAKING  
PARTICIPATION IN PROGRAM VOLUNTARY; STATING  
PURPOSES FOR WHICH FUNDS MAY BE USED; REQUIRING  
BROKERS POST NOTICE CONCERNING PARTICIPATION IN  
PROGRAM; AUTHORIZING PROMULGATION OF RULES AND  
REGULATIONS; PROVIDING FOR CODIFICATION; AND  
PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 858-551 of Title 59, unless  
there is created a duplication in numbering, reads as follows:

A. The Oklahoma Real Estate Commission may establish a "Real  
Estate Brokers' Trust Account Program", which shall authorize and  
permit the collection of interest on real estate brokers' trust

accounts which earn interest which is not contractually allocated and the disbursement of such interest by financial institutions, as directed by participating brokers, to an Oklahoma nonprofit corporation for use for tax-exempt purposes set forth in subsection D of this section.

B. The recipient of funds generated by the program shall be an Oklahoma nonprofit corporation, designated by the Commission, which meets the following requirements:

1. The corporation shall be tax exempt as defined by Section 501(c)(3) of the Internal Revenue Code;

2. The corporation shall be governed by a board of directors consisting of not fewer than five (5) nor more than fifteen (15) members; and

3. At least sixty percent (60%) of the total number of directors shall be appointed by the Oklahoma Real Estate Commission. The remainder shall be appointed by the Oklahoma Association of Realtors.

C. Participation in the program shall be completely voluntary with each real estate broker rather than mandatory.

D. The funds generated by the program shall be used for economic development, research, education and such other public service purposes as may be determined by the recipient corporation specified in this section.

E. All real estate brokers participating in this program shall post a notice at least four inches by seven inches (4" x 7"), stating that the broker participates in the Real Estate Brokers' Trust Account Program. Said notice shall be displayed prominently and shall contain information concerning the purposes for which the interest accumulating on the account shall be used and shall state: "If funds belonging to you are deposited in this firm's trust account, any interest earned therefrom will be forwarded by the depository financial institution to a nonprofit corporation

designated by the Oklahoma Real Estate Commission. The corporation will dispense the funds to provide for economic development, research, education and such other public service purposes as may be determined by the recipient corporation."

F. The Oklahoma Real Estate Commission may promulgate rules and regulations to carry out the provisions of this section.

SECTION 2. This act shall become effective September 1, 1991.

Passed the Senate the 25th day of February, 1991.

President of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_, 1991.

Speaker of the House of Representatives