

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1448

By: Phillips

AS INTRODUCED

An Act relating to professions and occupations;
amending 59 O.S. 1991, Section 858-102, as last
amended by Section 1, Chapter 149, O.S.L. 1994 (59
O.S. Supp. 1995, Section 858-102), which relates to
the Oklahoma Real Estate License Code; and
clarifying language.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 858-102, as
last amended by Section 1, Chapter 149, O.S.L. 1994 (59 O.S. Supp.
1996, Section 858-102, is amended to read as follows:

Section 858-102. When used in ~~this~~ the Oklahoma Real Estate
License Code, unless the context clearly indicates otherwise, the
following words and terms shall be construed as having the meanings
ascribed to them in this section:

1. The term "real estate" shall include any interest or estate
in real property, within or without the State of Oklahoma, whether
vested, contingent or future, corporeal or incorporeal, freehold or
nonfreehold, and including leaseholds, options and unit ownership
estates; provided, however, that the term "real estate" shall not
include oil, gas or other mineral interests, or oil, gas or other

mineral leases; and provided further, that the provisions of this Code shall not apply to any oil, gas, or mineral interest or lease or the sale, purchase or exchange thereof;

2. The term "real estate broker" shall include any person, partnership, association or corporation, foreign or domestic, who for a fee, commission or other valuable consideration, or who with the intention or expectation of receiving or collecting a fee, commission or other valuable consideration, lists, sells or offers to sell, buys or offers to buy, exchanges, rents or leases any real estate, or who negotiates or attempts to negotiate any such activity, or solicits listings of places for rent or lease, or solicits for prospective tenants, purchasers or sellers, or who advertises or holds himself out as engaged in such activities;

3. The term "real estate sales associate" shall include any person having a renewable license and employed or engaged by, or associated as an independent contractor with, or on behalf of, a real estate broker to do or deal in any act, acts or transactions set out in the definition of a real estate broker;

4. "Provisional sales associate" shall include any person who has been licensed after June 30, 1993, employed or engaged by, or associated as an independent contractor with, or on behalf of, a real estate broker to do or deal in any act, acts or transactions set out in the definition of a real estate broker and subject to an additional forty-five (45) clock hour post-licensing educational requirement to be completed within the first thirty-six (36) month license term. The license of a provisional sales associate shall be nonrenewable unless the post-licensing requirement is satisfied prior to the expiration date of the license. Further, the term sales associate and provisional sales associate shall be synonymous in meaning except where specific exceptions are addressed in the Oklahoma Real Estate License Code;

5. The term "successful completion" shall include pre-license and post-license courses in which an approved public or private school entity has examined the individual, to the satisfaction of the entity, in relation to the course material presented during the offering;

6. The term "renewable license" shall refer to a sales associate who is a holder of such and who has completed the educational requirements and obtained a sales associate license prior to July 1, 1993, or shall refer to a provisional sales associate who has completed both the pre-license and post-license educational requirements;

7. The term "nonrenewable license" shall refer to a provisional sales associate who is the holder of such license and who has only completed the pre-license educational requirement;

8. The term "surrendered license" shall refer to a real estate license which is surrendered, upon the request of the licensee, due to a pending investigation or disciplinary proceedings;

9. The term "cancelled license" shall refer to a real estate license which is cancelled, upon the request of the licensee and approval of the Commission, due to a personal reason or conflict;

10. "Licensee" shall include any person licensed under the Oklahoma Real Estate License Code;

11. The word "Commission" shall mean the Oklahoma Real Estate Commission;

12. The word "person" shall include and mean every individual, partnership, association or corporation, foreign or domestic; and

13. Masculine words shall include the feminine and neuter, and the singular includes the plural.