

ENROLLED HOUSE
BILL NO. 2794

By: Miller (Doug) and Martin of
the House

and

Coffee of the Senate

An Act relating to professions and occupations;
amending 59 O.S. 2001, Sections 858-301 and 858-361,
which relates to the Oklahoma Real Estate License
Code; modifying definition; expanding authorized use
of the term agent; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 858-301, is
amended to read as follows:

Section 858-301. It shall be unlawful for any person to act as
a real estate licensee, or to hold himself or herself out as such,
unless the person shall have been licensed to do so under this Code.
However, nothing in this section shall:

1. Prevent any person, partnership, association or corporation,
or the partners, officers or employees of any partnership,
association or corporation, from acquiring real estate for its own
use, nor shall anything in this section prevent any person,
partnership, association or corporation, or the partners, officers
or employees of any partnership, association or corporation, as
owner, lessor or lessee of real estate, from selling, renting,
leasing, exchanging, or offering to sell, rent, lease or exchange,
any real estate so owned or leased, or from performing any acts with
respect to such real estate when such acts are performed in the
regular course of, or as an incident to, the management, ownership
or sales of such real estate and the investment therein;

2. Apply to persons acting as the attorney-in-fact for the
owner of any real estate authorizing the final consummation by
performance of any contract for the sale, lease or exchange of such
real estate;

3. In any way prohibit any attorney-at-law from performing the
duties of the attorney as such, nor shall this Code prohibit a
receiver, trustee in bankruptcy, administrator, executor, or his or
her attorney, from performing his or her duties, or any person from
performing any acts under the order of any court, or acting as a
trustee under the terms of any trust, will, agreement or deed of
trust;

4. Apply to any person acting as the resident manager for the
owner or an employee acting as the resident manager for a licensed

real estate broker managing an apartment building, duplex, apartment complex or court, when such resident manager resides on the premises and is engaged in the leasing of property in connection with the employment of the resident manager;

5. Apply to any person who engages in such activity on behalf of a corporation or governmental body, to acquire easements, rights-of-way, leases, permits and licenses, including any and all amendments thereto, and other similar interests in real estate, for the purpose of, or facilities related to, transportation, communication services, cable lines, utilities, pipelines, or oil, gas, and petroleum products;

6. Apply to any person who engages in such activity in connection with the acquisition of real estate on behalf of an entity, public or private, which has the right to acquire the real estate by eminent domain; or

7. Apply to any person who is a resident of an apartment building, duplex, or apartment complex or court, when the person receives a resident referral fee. As used in this paragraph, a "resident referral fee" means a nominal fee not to exceed ~~Fifty Dollars (\$50.00)~~ One Hundred Dollars (\$100.00), offered to a resident for the act of recommending the property for lease to a family member, friend, or coworker.

SECTION 2. AMENDATORY 59 O.S. 2001, Section 858-361, is amended to read as follows:

Section 858-361. A real estate broker and the associates of a real estate broker ~~is~~ are permitted under the provisions of Sections ~~± 858-351~~ through ~~± 858-363~~ of this ~~act~~ title to use the word "agent" in a trade name and as a general reference for designating themselves as real estate licensees.

SECTION 3. This act shall become effective November 1, 2006.

Passed the House of Representatives the 24th day of May, 2006.

Presiding Officer of the House of
Representatives

Passed the Senate the 25th day of May, 2006.

Presiding Officer of the Senate