

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1542

6 By: McNiel

7 COMMITTEE SUBSTITUTE

8 An Act relating to professions and occupations;
9 providing option for auctioneers to be licensed;
10 specifying requirements and procedures for licensure;
11 providing exceptions; providing for reciprocity;
12 providing for codification; and providing an
13 effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 983.1 of Title 59, unless there
17 is created a duplication in numbering, reads as follows:

18 A. A person may voluntarily obtain an auctioneer's license
19 issued by the Oklahoma Department of Agriculture, Food, and
20 Forestry.

21 B. An individual is eligible for an auctioneer's license if the
22 individual:

- 23 1. Is at least eighteen (18) years of age;
- 24 2. Is a citizen of the United States or a legal alien;
3. Either:

1 a. has passed a written or oral examination demonstrating
2 knowledge of the auction business and of the laws of
3 this state relating to the auction business, or

4 b. shows proof of employment by a licensed auctioneer for
5 at least two (2) years during which the applicant
6 participated in at least ten auctions;

7 4. Holds a high school diploma or a high school equivalency
8 certificate;

9 5. Has not been convicted of a felony during the five (5) years
10 preceding the date of application; and

11 6. Has completed classroom instruction at an auction school
12 with a curriculum approved by the Oklahoma Department of
13 Agriculture, Food, and Forestry.

14 C. To be licensed as an auctioneer, an individual must:

15 1. Submit a written application on a form approved by the
16 Department along with the required fee; and

17 2. Have satisfactorily completed training in auctioneering at
18 an institution or by an individual approved by the Oklahoma
19 Department of Agriculture, Food, and Forestry.

20 D. All auctioneer licenses are in effect for five (5) years and
21 may be renewed by application and approval by the Oklahoma
22 Department of Agriculture, Food, and Forestry.

23 E. This section shall not apply to:
24

- 1 1. A sale conducted by order of a United States Court under
2 Title 11, United States Code;
- 3 2. A sale conducted by an employee of the United States, this
4 state, or a political subdivision of this state in the course and
5 scope of employment;
- 6 3. A sale conducted by a charitable or nonprofit organization,
7 if the auctioneer receives no compensation;
- 8 4. A sale conducted by an owner of the owner's property if the
9 owner is not engaged in the business of selling property as an
10 auctioneer on a recurring basis;
- 11 5. An auction of real estate conducted by a real estate broker,
12 as those terms are defined in Section 858-102 of Title 59 of the
13 Oklahoma Statutes;
- 14 6. A foreclosure sale of personal property personally conducted
15 by:
 - 16 a. a person who holds a security interest in the
17 property, including a mortgage, or
 - 18 b. an employee or agent of a person described by
19 subparagraph a of this paragraph acting in the course
20 and scope of employment, if:
 - 21 (1) the employee or agent is not otherwise engaged in
22 the auction business, and
 - 23 (2) all property for sale in the auction is subject
24 to a security agreement;

1 7. A sale conducted by sealed bid;

2 8. An auction conducted only for student training purposes as
3 part of a course of study for auctioneers;

4 9. An auction conducted by a posted stockyard or market agency
5 as defined by the federal Packers and Stockyards Act;

6 10. An auction of livestock conducted by a nonprofit livestock
7 trade association chartered in this state, if the auction involves
8 only the sale of livestock owned by members of the trade
9 association; or

10 11. An auction conducted by a charitable or nonprofit
11 organization chartered in this state, if the auction:

12 a. is part of a fair that is organized under state,
13 county, or municipal authority, and

14 b. involves only the sale of property owned by the
15 organization's members.

16 F. The Oklahoma Department of Agriculture, Food, and Forestry
17 may issue a reciprocity license to an applicant that holds a current
18 license from a state, territory, or foreign country or province
19 whose requirements for registration are substantially equal to those
20 in force in this state at the time of filing application for a
21 reciprocity license.

22 SECTION 2. This act shall become effective November 1, 2007.

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24 51-1-7494 SAB 03/05/07