

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 1006

6 By: Rabon

7 COMMITTEE SUBSTITUTE

8 [professions and occupations and property - the
9 Oklahoma Real Estate License Code - duties of a real
10 estate licensee - codification - effective date]

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 59 O.S. 2001, Section 858-202, is
14 amended to read as follows:

15 Section 858-202. A. Members of the Oklahoma Real Estate
16 Commission shall be appointed by the Governor with the advice and
17 consent of the Senate.

18 B. Members of the Commission shall serve until their terms
19 expire. The terms of the Commission members shall be for ~~three (3)~~
20 four (4) years and until their successors are appointed and
21 qualified.

22 C. Each successor member and any vacancy which may occur in the
23 membership of the Commission shall be filled by appointment of the
24 Governor with the advice and consent of the Senate.

1 D. The Governor may select appointees from a list of at least
2 three qualified persons submitted by the Oklahoma Association of
3 Realtors, Incorporated.

4 E. Each person who shall have been appointed to fill a vacancy
5 shall serve for the remainder of the term for which the member whom
6 he will succeed was appointed and until his successor, in turn,
7 shall have been appointed and shall have qualified.

8 F. Members of the Commission may be removed from office by the
9 Governor for inefficiency, neglect of duty or malfeasance in office
10 in the manner provided by law for the removal of officers not
11 subject to impeachment.

12 SECTION 2. AMENDATORY 59 O.S. 2001, Section 858-208, as
13 amended by Section 1, Chapter 85, O.S.L. 2005 (59 O.S. Supp. 2006,
14 Section 858-208), is amended to read as follows:

15 Section 858-208. The Oklahoma Real Estate Commission shall have
16 the following powers and duties:

17 1. To promulgate rules, prescribe administrative fees by rule,
18 and make orders as it may deem necessary or expedient in the
19 performance of its duties;

20 2. To administer examinations to persons who apply for the
21 issuance of licenses;

22 3. To sell to other entities or governmental bodies, not
23 limited to the State of Oklahoma, computer testing and license
24 applications to recover expended research and development costs;

1 4. To issue licenses in the form the Commission may prescribe
2 to persons who have passed examinations or who otherwise are
3 entitled to such licenses;

4 5. To issue licenses to and regulate the activities of real
5 estate brokers, provisional sales associates, sales associates,
6 branch offices, nonresidents, associations, corporations, and
7 partnerships;

8 6. Upon showing good cause as provided for in The Oklahoma Real
9 Estate License Code, to discipline licensees, instructors and real
10 estate school entities by:

11 a. reprimand,

12 b. probation for a specified period of time,

13 c. requiring education in addition to the educational
14 requirements provided by Section 858-307.2 of this
15 title,

16 d. suspending real estate licenses and approvals for
17 specified periods of time,

18 e. revoking real estate licenses and approvals,

19 f. imposing administrative fines pursuant to Section 858-
20 402 of this title, or

21 g. any combination of discipline as provided by
22 subparagraphs a through f of this paragraph;

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- 1 7. Upon showing good cause, to modify any sanction imposed
2 pursuant to the provisions of this section and to reinstate
3 licenses;
- 4 8. To conduct, for cause, disciplinary proceedings;
- 5 9. To prescribe penalties as it may deem proper to be assessed
6 against licensees for the failure to pay the license renewal fees as
7 provided for in this Code;
- 8 10. To initiate the prosecution of any person who violates any
9 of the provisions of this Code;
- 10 11. To approve instructors and organizations offering courses
11 of study in real estate and to further require them to meet
12 standards to remain qualified as is necessary for the administration
13 of this Code;
- 14 12. To contract with attorneys and other professionals to carry
15 out the functions and purposes of this Code;
- 16 13. To apply for injunctions and restraining orders for
17 violations of the Code or the rules of the Commission;
- 18 14. To create an Oklahoma Real Estate Contract Form Committee
19 by rule ~~which~~ that will be required to draft and revise ~~residential~~
20 real estate purchase and/or lease contracts and any related addenda
21 for voluntary use by real estate licensees;
- 22 15. To enter into contracts and agreements for the payment of
23 food and other reasonable expenses as authorized in the State Travel
24 Reimbursement Act necessary to host, conduct, or participate in

1 meetings or training sessions as is reasonable for the
2 administration of this Code; and

3 16. To conduct an annual performance review of the Executive
4 Director and submit the report to the Legislature.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 858-313 of Title 59, unless
7 there is created a duplication in numbering, reads as follows:

8 The following materials of the Commission are confidential and
9 not public records:

10 1. Examinations conducted by the Commission and materials
11 related to the examinations; and

12 2. Educational materials submitted to the Commission by a
13 person or entity seeking approval and/or acceptance of a course of
14 study.

15 SECTION 4. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 858-307.4 of Title 59, unless
17 there is created a duplication in numbering, reads as follows:

18 A. Prior to the issuance of a license pursuant to this Code,
19 each applicant shall submit to a national criminal history record
20 check, as defined by Section 150.9 of Title 74 of the Oklahoma
21 Statutes.

22 B. Upon receipt by the Commission of criminal history, the
23 Commission shall conduct an investigation in accordance with rules
24 promulgated by the Commission.

1 C. The costs associated with the national criminal history
2 record check shall be paid by the applicant.

3 SECTION 5. AMENDATORY 60 O.S. 2001, Section 836, is
4 amended to read as follows:

5 Section 836. A. A real estate licensee representing or
6 assisting a seller has the duty to obtain from the seller a
7 disclaimer statement or a disclosure statement and any amendment
8 required by ~~this act~~ the Residential Property Condition Disclosure
9 Act and to make such statement available to potential purchasers
10 prior to acceptance of an offer to purchase.

11 B. A real estate licensee representing or assisting a purchaser
12 has the duty to obtain and make available to the purchaser a
13 disclaimer statement or a disclosure statement and any amendment
14 required by ~~this act~~ the Residential Property Condition Disclosure
15 Act prior to the acceptance of an offer to purchase.

16 C. A real estate licensee has the duty to disclose to the
17 purchaser any defects in the property actually known to the licensee
18 which are not included in the disclosure statement or any amendment.

19 D. A real estate licensee who has complied with the
20 requirements of subsections A, B and C of this section, as
21 applicable, shall have no further duties to the seller or the
22 purchaser regarding any disclosures required under ~~this act~~ the
23 Residential Property Condition Disclosure Act.

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1 A real estate licensee who has not complied with the
2 requirements of subsections A, B and C of this section shall be
3 subject to disciplinary action by the Oklahoma Real Estate
4 Commission as set forth in paragraph 6 of Section 858-208 of Title
5 59 of the Oklahoma Statutes.

6 E. A real estate licensee has no duty to the seller or the
7 purchaser to conduct an independent inspection of the property and
8 has no duty to independently verify the accuracy or completeness of
9 any statement made by the seller in the disclaimer statement or the
10 disclosure statement and any amendment.

11 SECTION 6. This act shall become effective January 1, 2008.

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