**THE HOUSE OF REPRESENTATIVES**
**Wednesday, March 7, 2007**

## Committee Substitute for

# House Bill No. 1542

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1542 - By: MCNIEL, ARMES AND LUTTRELL of the House and JUSTICE of the Senate.

An Act relating to professions and occupations; providing option for auctioneers to be licensed; specifying requirements and procedures for licensure; providing exceptions; providing for reciprocity; 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 983.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

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

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

1. Is at least eighteen (18) years of age;

2. Is a citizen of the United States or a legal alien;

3. Either:

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

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

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

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

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

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

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

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

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

E. This section shall not apply to:

1. A sale conducted by order of a United States Court under Title 11, United States Code;



UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

2. A sale conducted by an employee of the United States, this state, or a political subdivision of this state in the course and scope of employment;

3. A sale conducted by a charitable or nonprofit organization, if the auctioneer receives no compensation;

4. A sale conducted by an owner of the owner's property if the owner is not engaged in the business of selling property as an auctioneer on a recurring basis;

5. An auction of real estate conducted by a real estate broker, as those terms are defined in Section 858-102 of Title 59 of the Oklahoma Statutes;

6. A foreclosure sale of personal property personally conducted by:

a. a person who holds a security interest in the property, including a mortgage, or

b. an employee or agent of a person described by subparagraph a of this paragraph acting in the course and scope of employment, if:

(1) the employee or agent is not otherwise engaged in the auction business, and

(2) all property for sale in the auction is subject to a security agreement;

7. A sale conducted by sealed bid;

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

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



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

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

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON NATURAL RESOURCES, dated 03-06-07 - DO PASS, As Amended and Coauthored.



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