

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 HOUSE BILL NO. 1821

By: Martin (Steve) of the House

and

Bingman of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to professions and occupations;
11 making applicants convicted of certain crimes or
12 felonies not eligible to obtain a real estate license
13 within certain timelines; defining term; prohibiting
14 the automatic licensing of felons after certain
15 timelines; making provision for such licensing in
16 accordance with certain licensing provisions;
17 authorizing the Oklahoma Real Estate Commission to
18 proceed with reinstatement of any expired license
19 pending certain background check upon certain sworn
20 statement regarding conviction or pleas to any
21 felony; providing for certain disciplinary action if
22 certain affidavit is false; requiring certain
23 notification of conviction or pleas to any felony;
24 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 858-301.1 of Title 59, unless
there is created a duplication in numbering, reads as follows:

1 A. Any applicant convicted of any crimes defined in Section
2 13.1 of Title 21 of the Oklahoma Statutes shall not be eligible to
3 obtain a real estate license within twenty (20) years of the
4 completion of any criminal sentence, including parole and probation.

5 B. Any applicant convicted of a felony involving forgery,
6 embezzlement, obtaining money under false pretense, extortion,
7 conspiracy to defraud, fraud, or any other similar offense or
8 offenses shall not be eligible to obtain a real estate license
9 within ten (10) years of the completion of any criminal sentence,
10 including parole and probation.

11 C. Any applicant convicted of any other felony shall not be
12 allowed to obtain a real estate license within five (5) years of the
13 completion of any criminal sentence, including parole and probation.

14 D. For the purposes of this section, the term "applicant" shall
15 mean any person making an application for original licensure as a
16 provisional sales associate/sales associate or broker/broker
17 associate or a licensee who has allowed their license to expire.
18 The term "applicant" shall not apply to any licensee seeking renewal
19 of a current license.

20 E. Any applicant with a felony conviction shall not
21 automatically receive a license after the timelines set forth in
22 this section, but may be licensed in accordance with the licensing
23 provisions set forth in the Oklahoma Real Estate License Code and
24 Rules.

1 F. The Commission may proceed with the reinstatement of any
2 expired license pending completion of the national criminal history
3 background check upon the applicant's sworn statement that they have
4 not been convicted of or pleaded guilty or nolo contendere to any
5 felony. If the national criminal history background check shows the
6 applicant's affidavit is false, the Commission shall proceed with
7 disciplinary action in accordance with the timelines set forth in
8 this section and in accordance with the licensing provisions set
9 forth in the Oklahoma Real Estate License Code and Rules.

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 858-301.2 of Title 59, unless
12 there is created a duplication in numbering, reads as follows:

13 Every licensed person pursuant to the provisions of the Oklahoma
14 Real Estate License Code shall notify the Commission in writing of
15 the conviction or plea of guilty or nolo contendere to any felony
16 offense within thirty (30) days after the plea is taken and also
17 within thirty (30) days of the entering of an order of judgment and
18 sentencing.

19 SECTION 3. This act shall become effective November 1, 2009.

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