

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 602

By: Bingman of the Senate

and

Martin (Steve) of the House

6
7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to professions and occupations;
11 prohibiting certain persons from obtaining a real
12 estate license; defining term; providing for
13 reinstatement process; requiring certain persons to
14 provide notice to the Oklahoma Real Estate
15 Commission; providing for codification; and providing
16 an effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 858-301.1 of Title 59, unless
20 there is created a duplication in numbering, reads as follows:

21 A. Any applicant convicted of any crimes defined in Section
22 13.1 of Title 21 of the Oklahoma Statutes shall not be eligible to
23 obtain a real estate license within twenty (20) years of the
24 completion of any criminal sentence, including parole and probation.

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

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

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

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

21 F. The Commission may proceed with the reinstatement of any
22 expired license pending completion of the national criminal history
23 background check upon the applicant's sworn statement that they have
24 not been convicted of or pleaded guilty or nolo contendere to any

1 felony. If the national criminal history background check shows the
2 applicant's affidavit is false, the Commission shall proceed with
3 disciplinary action in accordance with the timelines set forth in
4 this section and in accordance with the licensing provisions set
5 forth in the Oklahoma Real Estate License Code and Rules.

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

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

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

16

17 52-1-7452 MAH 03/25/09

18

19

20

21

22

23

24