

THE HOUSE OF REPRESENTATIVES
Monday, February 22, 2010

Committee Substitute for
House Bill No. 2305

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2305 - By: BAILEY, BILLY AND RENEGAR of the House and ELLIS of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2001, Section 858-301, as last amended by Section 1, Chapter 174, O.S.L. 2007 (59 O.S. Supp. 2009, Section 858-301), which relates to the Oklahoma Real Estate License Code; modifying exceptions from licensing; defining term; providing an effective date; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 59 O.S. 2001, Section 858-301, as last amended
2 by Section 1, Chapter 174, O.S.L. 2007 (59 O.S. Supp. 2009, Section 858-301), is amended
3 to read as follows:

4 Section 858-301. It shall be unlawful for any person to act as a real estate licensee,
5 or to hold himself or herself out as such, unless the person shall have been licensed to do
6 so under this Code. However, nothing in this section shall:

7 1. Prevent any person, partnership, trust, association or corporation, or the
8 partners, officers or employees of any partnership, trustees or beneficiaries of any trust,
9 association or corporation, from acquiring real estate for its own use, nor shall anything
10 in this section prevent any person, partnership, trust, association or corporation, or the
11 partners, officers or employees of any partnership, trustees or beneficiaries of any trust,

1 association or corporation, as owner, lessor or lessee of real estate, from selling, renting,
2 leasing, exchanging, or offering to sell, rent, lease or exchange, any real estate so owned
3 or leased, or from performing any acts with respect to such real estate when such acts
4 are performed in the regular course of, or as an incident to, the management, ownership
5 or sales of such real estate and the investment therein;

6 2. Apply to persons acting as the attorney-in-fact for the owner of any real estate
7 authorizing the final consummation by performance of any contract for the sale, lease or
8 exchange of such real estate;

9 3. In any way prohibit any attorney-at-law from performing the duties of the
10 attorney as such, nor shall this Code prohibit a receiver, trustee in bankruptcy,
11 administrator, executor, or his or her attorney, from performing his or her duties, or any
12 person from performing any acts under the order of any court, or acting as a trustee
13 under the terms of any trust, will, agreement or deed of trust;

14 4. Apply to any person acting as the resident manager for the owner or an employee
15 acting as the resident manager for a licensed real estate broker managing an apartment
16 building, duplex, apartment complex or court, when such resident manager resides on
17 the premises and is engaged in the leasing of property in connection with the
18 employment of the resident manager;

19 5. Apply to any person who engages in such activity on behalf of a corporation or
20 governmental body, to acquire easements, rights-of-way, leases, permits and licenses,
21 including any and all amendments thereto, and other similar interests in real estate, for

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

1 the purpose of, or facilities related to, transportation, communication services, cable
2 lines, utilities, pipelines, or oil, gas, and petroleum products;

3 6. Apply to any person who engages in such activity in connection with the
4 acquisition of real estate on behalf of an entity, public or private, which has the right to
5 acquire the real estate by eminent domain; ~~or~~

6 7. Apply to any person who is a resident of an apartment building, duplex, or
7 apartment complex or court, when the person receives a resident referral fee. As used in
8 this paragraph, a "resident referral fee" means a nominal fee not to exceed One Hundred
9 Dollars (\$100.00), offered to a resident for the act of recommending the property for lease
10 to a family member, friend, or coworker; or

11 8. Apply to any person or entity managing a transient lodging facility. For
12 purposes of this paragraph, "transient lodging facility" means a furnished room or
13 furnished suite of rooms which is rented to a person on a daily basis, not as a principal
14 residence, for a period less than thirty (30) days.

15 SECTION 2. This act shall become effective July 1, 2010.

16 SECTION 3. It being immediately necessary for the preservation of the public
17 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
18 this act shall take effect and be in full force from and after its passage and approval.

19 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
20 FINANCIAL SERVICES, dated 02-18-10 - DO PASS, As Amended and Coauthored.