

THE HOUSE OF REPRESENTATIVES
Monday, March 30, 2009

Committee Substitute for
ENGROSSED
Senate Bill No. 602

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 602 - By:
BINGMAN of the Senate and MARTIN (STEVE) of the House.

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

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

- 1 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 858-301.1 of Title 59, unless there is created a duplication in
3 numbering, reads as follows:
- 4 A. Any applicant convicted of any crimes defined in Section 13.1 of Title 21 of the
5 Oklahoma Statutes shall not be eligible to obtain a real estate license within twenty (20)
6 years of the completion of any criminal sentence, including parole and probation.
- 7 B. Any applicant convicted of a felony involving forgery, embezzlement, obtaining
8 money under false pretense, extortion, conspiracy to defraud, fraud, or any other similar
9 offense or offenses shall not be eligible to obtain a real estate license within ten (10)
10 years of the completion of any criminal sentence, including parole and probation.

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

4 D. For the purposes of this section, the term “applicant” shall mean any person
5 making an application for original licensure as a provisional sales associate, sales
6 associate, broker associate, broker, or a licensee who has allowed their license to expire.
7 The term “applicant” shall not apply to any licensee seeking renewal of a current license.

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

11 F. The Commission may proceed with the reinstatement of any expired license
12 pending completion of the national criminal history background check upon the
13 applicant’s sworn statement that they have not been convicted of or pleaded guilty or
14 nolo contendere to any felony. If the national criminal history background check shows
15 the applicant’s affidavit is false, the Commission shall proceed with disciplinary action in
16 accordance with the timelines set forth in this section and in accordance with the
17 licensing provisions set forth in the Oklahoma Real Estate License Code and Rules.

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

21 Every licensed person pursuant to the provisions of the Oklahoma Real Estate
22 License Code shall notify the Commission in writing of the conviction or plea of guilty or

1 nolo contendere to any felony offense within thirty (30) days after the plea is taken and
2 also within thirty (30) days of the entering of an order of judgment and sentencing.

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

4 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
5 FINANCIAL SERVICES, dated 03-26-09 - DO PASS, As Amended.