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THE STATE SENATE  
Thursday, March 26, 2009

Committee Substitute for  
ENGROSSED  
House Bill No. 1821

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1821 - By: Martin (Steve) and Liebmann of the House and Bingman of the Senate.

An Act relating to professions and occupations; making applicants convicted of certain crimes or felonies not eligible to obtain a real estate license within certain timelines; defining term; prohibiting the automatic licensing of felons after certain timelines; making provision for such licensing in accordance with certain licensing provisions; authorizing the Oklahoma Real Estate Commission to proceed with reinstatement of any expired license pending certain background check upon certain sworn statement regarding conviction or pleas to any felony; providing for certain disciplinary action if certain affidavit is false; requiring certain notification of conviction or pleas to any felony; 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:

A. Any applicant convicted of any crimes defined in Section 13.1 of Title 21 of the Oklahoma Statutes shall not be eligible to obtain a real estate license within twenty (20) years of the 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 or broker/broker  
13 associate or a licensee who has allowed their license to expire.  
14 The term "applicant" shall not apply to any licensee seeking renewal  
15 of 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

1 not been convicted of or pleaded guilty or nolo contendere to any  
2 felony. If the national criminal history background check shows the  
3 applicant's affidavit is false, the Commission shall proceed with  
4 disciplinary action in accordance with the timelines set forth in  
5 this section and in accordance with the licensing provisions set  
6 forth in the Oklahoma Real Estate License Code and Rules.

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

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 3-23-09 -  
18 DO PASS, As Amended and Coauthored.