

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2305

By: Bailey

4
5
6 AS INTRODUCED

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

11
12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 59 O.S. 2001, Section 858-301, as
15 last amended by Section 1, Chapter 174, O.S.L. 2007 (59 O.S. Supp.
16 2009, Section 858-301), is amended to read as follows:

17 Section 858-301. It shall be unlawful for any person to act as
18 a real estate licensee, or to hold himself or herself out as such,
19 unless the person shall have been licensed to do so under this Code.

20 However, nothing in this section shall:

21 1. Prevent any person, partnership, trust, association or
22 corporation, or the partners, officers or employees of any
23 partnership, trustees or beneficiaries of any trust, association or
24 corporation, from acquiring real estate for its own use, nor shall

1 anything in this section prevent any person, partnership, trust,
2 association or corporation, or the partners, officers or employees
3 of any partnership, trustees or beneficiaries of any trust,
4 association or corporation, as owner, lessor or lessee of real
5 estate, from selling, renting, leasing, exchanging, or offering to
6 sell, rent, lease or exchange, any real estate so owned or leased,
7 or from performing any acts with respect to such real estate when
8 such acts are performed in the regular course of, or as an incident
9 to, the management, ownership or sales of such real estate and the
10 investment therein;

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

15 3. In any way prohibit any attorney-at-law from performing the
16 duties of the attorney as such, nor shall this Code prohibit a
17 receiver, trustee in bankruptcy, administrator, executor, or his or
18 her attorney, from performing his or her duties, or any person from
19 performing any acts under the order of any court, or acting as a
20 trustee under the terms of any trust, will, agreement or deed of
21 trust;

22 4. Apply to any person acting as the resident manager for the
23 owner or an employee acting as the resident manager for a licensed
24 real estate broker managing an apartment building, duplex, apartment

1 complex or court, when such resident manager resides on the premises
2 and is engaged in the leasing of property in connection with the
3 employment of the resident manager;

4 5. Apply to any person who engages in such activity on behalf
5 of a corporation or governmental body, to acquire easements, rights-
6 of-way, leases, permits and licenses, including any and all
7 amendments thereto, and other similar interests in real estate, for
8 the purpose of, or facilities related to, transportation,
9 communication services, cable lines, utilities, pipelines, or oil,
10 gas, and petroleum products;

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

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

22 8. Apply to any person managing a lodging facility. For
23 purposes of this paragraph, "lodging facility" means and includes
24 any hotel, motel, tourist court, apartment house, rooming house or

1 other place where sleeping accommodations are furnished or offered
2 for pay for any transient guest and "transient guest" means any
3 person offered a room for occupancy on a daily basis.

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

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

9

10 52-2-9412 LRB 12/29/09

11

12

13

14

15

16

17

18

19

20

21

22

23

24