

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2098

By: Aldridge

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2001, Section 858-208, as last
9 amended by Section 1, Chapter 274, O.S.L. 2008 (59
10 O.S. Supp. 2009, Section 858-208), which relates to
11 powers and duties of the Oklahoma Real Estate
Commission; authorizing Board to hire investigators;
12 allowing investigators to be certified by the Council
13 on Law Enforcement Education and Training; providing
14 an effective date; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 59 O.S. 2001, Section 858-208, as
17 last amended by Section 1, Chapter 274, O.S.L. 2008 (59 O.S. Supp.
18 2009, Section 858-208), is amended to read as follows:

19 Section 858-208. The Oklahoma Real Estate Commission shall have
20 the following powers and duties:

21 1. To promulgate rules, prescribe administrative fees by rule,
22 and make orders as it may deem necessary or expedient in the
23 performance of its duties;

24 2. To administer examinations to persons who apply for the
issuance of licenses;

1 3. To sell to other entities or governmental bodies, not
2 limited to the State of Oklahoma, computer testing and license
3 applications to recover expended research and development costs;

4 4. To issue licenses in the form the Commission may prescribe
5 to persons who have passed examinations or who otherwise are
6 entitled to such licenses;

7 5. To issue licenses to and regulate the activities of real
8 estate brokers, provisional sales associates, sales associates,
9 branch offices, nonresidents, associations, corporations, and
10 partnerships;

11 6. Upon showing good cause as provided for in The Oklahoma Real
12 Estate License Code, to discipline licensees, instructors and real
13 estate school entities by:

14 a. reprimand,

15 b. probation for a specified period of time,

16 c. requiring education in addition to the educational
17 requirements provided by Section 858-307.2 of this
18 title,

19 d. suspending real estate licenses and approvals for
20 specified periods of time,

21 e. revoking real estate licenses and approvals,

22 f. imposing administrative fines pursuant to Section 858-
23 402 of this title, or

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1 g. any combination of discipline as provided by
2 subparagraphs a through f of this paragraph;

3 7. Upon showing good cause, to modify any sanction imposed
4 pursuant to the provisions of this section and to reinstate
5 licenses;

6 8. To conduct, for cause, disciplinary proceedings;

7 9. To prescribe penalties as it may deem proper to be assessed
8 against licensees for the failure to pay the license renewal fees as
9 provided for in this Code;

10 10. To initiate the prosecution of any person who violates any
11 of the provisions of this Code;

12 11. To approve instructors and organizations offering courses
13 of study in real estate and to further require them to meet
14 standards to remain qualified as is necessary for the administration
15 of this Code;

16 12. To contract with attorneys and other professionals to carry
17 out the functions and purposes of this Code;

18 13. To apply for injunctions and restraining orders for
19 violations of the Code or the rules of the Commission;

20 14. To create an Oklahoma Real Estate Contract Form Committee
21 by rule that will be required to draft and revise real estate
22 purchase and/or lease contracts and any related addenda for
23 voluntary use by real estate licensees;

1 15. To enter into contracts and agreements for the payment of
2 food and other reasonable expenses as authorized in the State Travel
3 Reimbursement Act necessary to host, conduct, or participate in
4 meetings or training sessions as is reasonable for the
5 administration of this Code;

6 16. To conduct an annual performance review of the Executive
7 Director and submit the report to the Legislature; ~~and~~

8 17. To enter into reciprocal agreements with other real estate
9 licensing regulatory jurisdictions with equivalent licensing,
10 education and examination requirements; and

11 18. Hire one or more investigators to conduct investigations of
12 alleged violations of the Real Estate License Code or the rules of
13 the Commission. Investigators may be certified by the Council on
14 Law Enforcement Education and Training for purposes of conducting
15 investigations.

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

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

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