

1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
3 BILL NO. 2524

By: Martin (Steve) and Armes of  
the House

4 and

5 Newberry of the Senate

6  
7  
8 An Act relating to professions and occupations;  
amending 59 O.S. 2011, Sections 858-351, 858-353,  
9 858-356, 858-359, 858-360, 858-362 and 858-363, which  
relate to The Oklahoma Real Estate License Code;  
10 modifying definitions; modifying duties and  
responsibilities of broker; modifying broker service  
11 agreements; providing for written disclosure for  
certain agreements; requiring certain confirmation be  
12 in writing; providing for compensation of services;  
allowing cooperation of brokers; prohibiting certain  
13 agreements; repealing 59 O.S. 2011, Sections 858-352,  
858-354, 858-355 and 858-357, which relate to The  
14 Oklahoma Real Estate License Code; providing for  
codification; and providing an effective date.

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17 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
entire bill and insert

18  
19 "An Act relating to real estate brokers; amending 59  
O.S. 2011, Sections 858-351, 858-353, 858-356, 858-  
20 359, 858-360, 858-362 and 858-363, which relate to  
The Oklahoma Real Estate License Code; modifying  
21 definitions; modifying duties and responsibilities of  
broker; providing for confidential information;  
22 deleting language; modifying broker service  
agreements; providing for written disclosure for  
23 certain agreements; requiring certain confirmation be  
in writing; providing for compensation of services;  
24 construing certain authority for compensation;

1 allowing cooperation of brokers; prohibiting certain  
2 agreements; repealing 59 O.S. 2011, Sections 858-352,  
3 858-354, 858-355 and 858-357, which relate to The  
4 Oklahoma Real Estate License Code; providing for  
5 codification; and providing an effective date.

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

7 SECTION 1. AMENDATORY 59 O.S. 2011, Section 858-351, is  
8 amended to read as follows:

9 Section 858-351. Unless the context clearly indicates  
10 otherwise, as used in Sections 858-351 through 858-363 of ~~this title~~  
11 The Oklahoma Real Estate License Code:

12 1. "Broker" means a real estate broker ~~as defined in Section~~  
13 ~~858-102 of this title, and means, further, except where the context~~  
14 ~~refers only to a real estate broker,~~ an associated broker associate,  
15 sales associate, or provisional sales associate authorized by a real  
16 estate broker to provide brokerage services;

17 2. "Brokerage services" means those services provided by a  
18 broker to a consumer in a consumer transaction;

19 3. "Party" means a person who is a seller, buyer, landlord, or  
20 tenant or a person who is involved in an option or exchange;

21 ~~3. "Single-party broker" means a broker who has entered into a~~  
22 ~~written brokerage agreement with a party in a transaction to provide~~  
23 ~~services for the benefit of that party;~~

24 4. "Transaction" means ~~any or all of the steps that may occur~~  
~~by or between parties when a party seeks~~ an activity or process to

1 buy, sell, lease, rent, option or exchange real estate ~~and at least~~  
2 ~~one party enters into a broker relationship subject to this title.~~  
3 Such ~~steps~~ activities or processes may include, without limitation,  
4 soliciting, advertising, ~~engaging a broker to list a property,~~  
5 showing or viewing a real property, ~~making~~ presenting offers or  
6 counteroffers, entering into agreements and closing such agreements;  
7 and

8 5. ~~"Transaction broker" means a broker who provides services by~~  
9 ~~assisting a party in a transaction without being an advocate for the~~  
10 ~~benefit of that party~~ "Firm" means a sole proprietor, corporation,  
11 association or partnership.

12 SECTION 2. AMENDATORY 59 O.S. 2011, Section 858-353, is  
13 amended to read as follows:

14 Section 858-353. A. A ~~transaction~~ broker shall have the  
15 following duties and responsibilities to a party, which are  
16 mandatory and may not be abrogated or waived by a ~~transaction~~  
17 broker:

18 1. ~~To treat~~ Treat all parties with honesty and exercise  
19 reasonable skill and care;

20 2. ~~To be available to~~ Unless specifically waived in writing by  
21 a party to the transaction:

- 22 a. receive all written offers and counteroffers,  
23 b. reduce offers or counteroffers to a written form upon  
24 request of any party to a transaction, and

1 c. present timely ~~such~~ all written offers and  
2 counteroffers;

3 3. ~~To inform~~ Inform in writing the party for whom the broker is  
4 providing brokerage services when an offer is made that the party  
5 will be expected to pay certain closing costs, brokerage service  
6 costs and approximate amount of ~~said~~ the costs;

7 4. Keep the party for whom the broker is providing brokerage  
8 services informed regarding the transaction;

9 ~~To account timely~~ 5. Timely account for all money and property  
10 received by the broker;

11 5. ~~To keep~~ 6. Keep confidential information received from a  
12 party or prospective party confidential ~~as required by Section 858-~~  
13 ~~357 of this title.~~ The confidential information shall not be  
14 disclosed by a broker without the consent of the party disclosing  
15 the information unless consent to the disclosure is granted in  
16 writing by the party or prospective party disclosing the  
17 information, the disclosure is required by law, or the information  
18 is made public or becomes public as the result of actions from a  
19 source other than the broker. The following information shall be  
20 considered confidential and shall be the only information considered  
21 confidential in a transaction:

22 a. that a party or prospective party is willing to pay  
23 more or accept less than what is being offered,  
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1            b. that a party or prospective party is willing to agree  
2            to financing terms that are different from those  
3            offered,

4            c. the motivating factors of the party or prospective  
5            party purchasing, selling, leasing, optioning or  
6            exchanging the property, and

7            d. information specifically designated as confidential by  
8            a party unless such information is public;

9            ~~6. To disclose~~ 7. Disclose information pertaining to the  
10 property as required by the Residential Property Condition  
11 Disclosure Act; and

12            ~~7. To comply~~ 8. Comply with all requirements of the Oklahoma  
13 Real Estate License Code and all applicable statutes and rules.

14            ~~B. Except as provided in Section 858-358 of this title, such~~  
15 ~~duties and responsibilities set forth in this section shall be~~  
16 ~~performed by a transaction broker if such duties and~~  
17 ~~responsibilities relate to the steps of the transaction which occur~~  
18 ~~while there is a broker relationship.~~

19            ~~C. Nothing in this section requires or prohibits a transaction~~  
20 ~~broker from charging a separate fee or other compensation for each~~  
21 ~~duty or other services provided during a transaction.~~

22            ~~D. If a transaction broker intends to perform fewer services~~  
23 ~~than those required to complete a transaction, written disclosure~~  
24 ~~shall be provided to the party for whom the broker is providing~~

1 ~~services. Such disclosure shall include a description of those~~  
2 ~~steps in the transaction for which the broker will not perform~~  
3 ~~services, and also state that a broker assisting the other party in~~  
4 ~~the transaction is not required to provide assistance with these~~  
5 ~~steps in any manner~~ When working with both parties to a transaction,  
6 the duties and responsibilities set forth in this section shall  
7 remain in place for both parties.

8 SECTION 3. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 858-355.1 of Title 59, unless  
10 there is created a duplication in numbering, reads as follows:

11 A. All brokerage agreements shall incorporate as material terms  
12 the duties and responsibilities set forth in Section 858-353 of The  
13 Oklahoma Real Estate License Code.

14 B. A broker may provide brokerage services to one or both  
15 parties in a transaction.

16 C. A broker who is providing brokerage services to one or both  
17 parties shall describe and disclose in writing the broker's duties  
18 and responsibilities set forth in Section 858-353 of The Oklahoma  
19 Real Estate License Code prior to the party or parties signing a  
20 contract to sell, purchase, lease, option, or exchange real estate.

21 D. A firm that provides brokerage services to both parties in a  
22 transaction shall provide written notice to both parties that the  
23 broker is providing brokerage services to both parties to a  
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1 transaction prior to the parties signing a contract to purchase,  
2 lease, option or exchange real estate.

3 E. If a broker intends to provide fewer brokerage services than  
4 those required to complete a transaction, the broker shall provide  
5 written disclosure to the party for whom the broker is providing  
6 brokerage services. Such disclosure shall include a description of  
7 those steps in the transaction for which the broker will not provide  
8 brokerage services, and also state that the broker assisting the  
9 other party in the transaction is not required to provide assistance  
10 with these steps in any manner.

11 SECTION 4. AMENDATORY 59 O.S. 2011, Section 858-356, is  
12 amended to read as follows:

13 Section 858-356. ~~A. Prior to the signing by a party of a~~  
14 ~~contract to purchase, lease, option or exchange real estate, a~~  
15 ~~broker who is performing services as a transaction broker without a~~  
16 ~~written brokerage agreement shall describe and disclose in writing~~  
17 ~~the broker's role to the party.~~

18 ~~B. Prior to entering into a written brokerage agreement as~~  
19 ~~either a transaction broker or single party broker, the broker shall~~  
20 ~~describe and disclose in writing the broker's relationship to the~~  
21 ~~party.~~

22 ~~C. A transaction broker shall disclose to the party for whom~~  
23 ~~the transaction broker is providing services that the party is not~~  
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1 ~~vicariously liable for the acts or omissions of the transaction~~  
2 ~~broker.~~

3 ~~D. A single party broker shall disclose to the party for whom~~  
4 ~~the single party broker is providing services that the party may be~~  
5 ~~vicariously liable for the acts or omissions of a single party~~  
6 ~~broker.~~

7 E. The written disclosures as required by ~~this section and the~~  
8 ~~consent required by Section 5~~ subsection C of Section 3 of this act  
9 ~~must~~ shall be confirmed by each party in writing in a separate  
10 provision, incorporated in or attached to the contract to purchase,  
11 lease, option, or exchange real estate. In those cases where a  
12 broker is involved in a transaction but does not prepare the  
13 contract to purchase, lease, option, or exchange real estate,  
14 compliance with the disclosure requirements ~~must~~ shall be documented  
15 by the broker.

16 SECTION 5. AMENDATORY 59 O.S. 2011, Section 858-359, is  
17 amended to read as follows:

18 Section 858-359. A. The payment or promise of payment or  
19 compensation by a party to a broker does not determine what  
20 relationship, if any, has been established between the broker and a  
21 party to a transaction.

22 B. In the event a broker receives a fee or compensation from  
23 any party to the transaction based on a selling price or lease cost  
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1 of a transaction, such receipt does not constitute a breach of duty  
2 or obligation to any party to the transaction.

3 C. Nothing in this section requires a broker to charge, or  
4 prohibits a broker from charging, a separate fee or other  
5 compensation for each duty or other brokerage services provided  
6 during a transaction.

7 SECTION 6. AMENDATORY 59 O.S. 2011, Section 858-360, is  
8 amended to read as follows:

9 Section 858-360. A. The duties and responsibilities of a  
10 broker specified in Sections ~~4~~ 858-351 through ~~13~~ 858-363 of ~~this~~  
11 ~~act~~ The Oklahoma Real Estate License Code shall replace and abrogate  
12 the fiduciary or other duties of a broker to a party based on common  
13 law principles of agency. The remedies at law and equity supplement  
14 the provisions of Sections ~~4~~ 858-351 through ~~13~~ 858-363 of ~~this act~~  
15 The Oklahoma Real Estate License Code.

16 B. A broker may cooperate with other brokers in a transaction.  
17 Pursuant to Sections 858-351 through 858-363 of The Oklahoma Real  
18 Estate License Code, a broker shall not be an agent, subagent, or  
19 dual agent and an offer of subagency shall not be made to other  
20 brokers.

21 C. Nothing in this act shall prohibit a broker from entering  
22 into an agreement for brokerage services not enumerated herein so  
23 long as the agreement is in compliance with this act, the Oklahoma  
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1 Real Estate Code and the Oklahoma Real Estate Commission  
2 Administration Rules.

3 SECTION 7. AMENDATORY 59 O.S. 2011, Section 858-362, is  
4 amended to read as follows:

5 Section 858-362. A party to a real estate transaction shall not  
6 be vicariously liable for the acts or omissions of a real estate  
7 licensee who is providing brokerage services ~~as a transaction broker~~  
8 under Sections ~~4~~ 858-351 through ~~13~~ 858-363 of ~~this act~~ The Oklahoma  
9 Real Estate License Code.

10 SECTION 8. AMENDATORY 59 O.S. 2011, Section 858-363, is  
11 amended to read as follows:

12 Section 858-363. Each broker associate, sales associate, and  
13 provisional sales associate shall be associated with a real estate  
14 broker. Associates shall not enter into a brokerage agreement with  
15 a party in the associate's name and shall only be allowed to enter  
16 into the agreement in the name of the broker. A real estate broker  
17 may authorize associates to provide brokerage services in the name  
18 of the real estate broker as permitted under The Oklahoma Real  
19 Estate License Code, which may include the execution of written  
20 agreements; ~~however, such associates shall not refer to themselves~~  
21 ~~as a broker.~~

22 SECTION 9. REPEALER 59 O.S. 2011, Sections 858-352, 858-  
23 354, 858-355 and 858-357, are hereby repealed.

24 SECTION 10. This act shall become effective November 1, 2013."

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Passed the Senate the 24th day of April, 2012.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2012.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

1 ENGROSSED HOUSE  
2 BILL NO. 2524

By: Martin (Steve) and Armes of  
the House

3 and

4 Newberry of the Senate

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7 An Act relating to professions and occupations;  
8 amending 59 O.S. 2011, Sections 858-351, 858-353,  
9 858-356, 858-359, 858-360, 858-362 and 858-363, which  
10 relate to The Oklahoma Real Estate License Code;  
11 modifying definitions; modifying duties and  
12 responsibilities of broker; modifying broker service  
13 agreements; providing for written disclosure for  
14 certain agreements; requiring certain confirmation be  
15 in writing; providing for compensation of services;  
16 allowing cooperation of brokers; prohibiting certain  
17 agreements; repealing 59 O.S. 2011, Sections 858-352,  
18 858-354, 858-355 and 858-357, which relate to The  
19 Oklahoma Real Estate License Code; providing for  
20 codification; and providing an effective date.

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

22 SECTION 11. AMENDATORY 59 O.S. 2011, Section 858-351, is  
23 amended to read as follows:

24 Section 858-351. Unless the context clearly indicates  
otherwise, as used in Sections 858-351 through 858-363 of ~~this title~~  
The Oklahoma Real Estate License Code:

1. "Broker" means a real estate broker ~~as defined in Section~~  
~~858-102 of this title, and means, further, except where the context~~  
~~refers only to a real estate broker,~~ an associated broker associate,

1 sales associate, or provisional sales associate authorized by a real  
2 estate broker to provide brokerage services;

3 2. "Brokerage services" means those services provided by a  
4 broker to a consumer in a consumer transaction;

5 3. "Party" means a person who is ~~a seller, buyer, landlord, or~~  
6 ~~tenant or a person who is involved in an option or exchange a~~  
7 transaction;

8 ~~3. "Single-party broker" means a broker who has entered into a~~  
9 ~~written brokerage agreement with a party in a transaction to provide~~  
10 ~~services for the benefit of that party;~~

11 4. ~~"Transaction" means any or all of the steps that may occur~~  
12 ~~by or between parties when a party seeks an activity or process to~~  
13 ~~buy, sell, lease, rent, option or exchange real estate and at least~~  
14 ~~one party enters into a broker relationship subject to this title.~~  
15 Such ~~steps~~ activities or processes may include, without limitation,  
16 soliciting, advertising, ~~engaging a broker to list a property,~~  
17 showing or viewing a real property, ~~making~~ presenting offers or  
18 counteroffers, entering into agreements and closing such agreements;  
19 and

20 5. ~~"Transaction broker" means a broker who provides services by~~  
21 ~~assisting a party in a transaction without being an advocate for the~~  
22 ~~benefit of that party~~ "Firm" means a sole proprietor, corporation,  
23 association or partnership.

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1 SECTION 12. AMENDATORY 59 O.S. 2011, Section 858-353, is  
2 amended to read as follows:

3 Section 858-353. A. A ~~transaction~~ broker shall have the  
4 following duties and responsibilities to a party, which are  
5 mandatory and may not be abrogated or waived by a ~~transaction~~  
6 broker:

7 1. ~~To treat~~ Treat all parties with honesty and exercise  
8 reasonable skill and care;

9 2. ~~To be available to~~ Unless specifically waived in writing by  
10 a party to the transaction:

11 a. receive all written offers and counteroffers,

12 b. reduce offers or counteroffers to a written form upon  
13 request of any party to a transaction, and

14 c. present timely ~~such~~ all written offers and  
15 counteroffers;

16 3. ~~To inform~~ Inform in writing the party for whom the broker is  
17 providing brokerage services when an offer is made that the party  
18 will be expected to pay certain closing costs, brokerage service  
19 costs and approximate amount of said costs;

20 4. Keep the party for whom the broker is providing brokerage  
21 services informed regarding the transaction;

22 ~~To account timely~~ 5. Timely account for all money and property  
23 received by the broker;

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1       ~~5. To keep~~ 6. Keep confidential information received from a  
2 party confidential ~~as required by Section 858-357 of this title.~~

3 The following information shall be considered confidential and shall  
4 not be disclosed by a broker without the consent of the party  
5 disclosing the information unless consent to the disclosure is  
6 granted in writing by the party or prospective party disclosing the  
7 information, the disclosure is required by law, or the information  
8 is made public or becomes public as the result of actions from a  
9 source other than the broker:

- 10       a. that a party or prospective party is willing to pay  
11       more or accept less than what is being offered,
- 12       b. that a party or prospective party is willing to agree  
13       to financing terms that are different from those  
14       offered, and
- 15       c. the motivating factors of the party or prospective  
16       party purchasing, selling, leasing, optioning or  
17       exchanging the property;

18       ~~6. To disclose~~ 7. Disclose information pertaining to the  
19 property as required by the Residential Property Condition  
20 Disclosure Act; and

21       ~~7. To comply~~ 8. Comply with all requirements of the Oklahoma  
22 Real Estate License Code and all applicable statutes and rules.

23       ~~B. Except as provided in Section 858-358 of this title, such~~  
24 ~~duties and responsibilities set forth in this section shall be~~

1 ~~performed by a transaction broker if such duties and~~  
2 ~~responsibilities relate to the steps of the transaction which occur~~  
3 ~~while there is a broker relationship.~~

4 C. ~~Nothing in this section requires or prohibits a transaction~~  
5 ~~broker from charging a separate fee or other compensation for each~~  
6 ~~duty or other services provided during a transaction.~~

7 D. ~~If a transaction broker intends to perform fewer services~~  
8 ~~than those required to complete a transaction, written disclosure~~  
9 ~~shall be provided to the party for whom the broker is providing~~  
10 ~~services. Such disclosure shall include a description of those~~  
11 ~~steps in the transaction for which the broker will not perform~~  
12 ~~services, and also state that a broker assisting the other party in~~  
13 ~~the transaction is not required to provide assistance with these~~  
14 ~~steps in any manner~~ When working with both parties to a transaction,  
15 the duties and responsibilities set forth in this section shall  
16 remain in place for both parties.

17 SECTION 13. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 858-355.1 of Title 59, unless  
19 there is created a duplication in numbering, reads as follows:

20 A. All brokerage agreements shall incorporate as material terms  
21 the duties and responsibilities set forth in Section 858-353 of The  
22 Oklahoma Real Estate License Code.

23 B. A broker may provide brokerage services to one or both  
24 parties in a transaction.

1 C. A broker who is providing brokerage services to one or both  
2 parties shall describe and disclose in writing the broker's duties  
3 and responsibilities set forth in Section 858-353 of The Oklahoma  
4 Real Estate License Code prior to the party or parties signing a  
5 contract to sell, purchase, lease, option, or exchange real estate.

6 D. A firm that provides brokerage services to both parties in a  
7 transaction shall provide written notice to both parties that the  
8 broker is providing brokerage services to both parties to a  
9 transaction prior to the parties signing a contract to purchase,  
10 lease, option or exchange real estate.

11 E. If a broker intends to provide fewer brokerage services than  
12 those required to complete a transaction, the broker shall provide  
13 written disclosure to the party for whom the broker is providing  
14 brokerage services. Such disclosure shall include a description of  
15 those steps in the transaction for which the broker will not provide  
16 brokerage services, and also state that the broker assisting the  
17 other party in the transaction is not required to provide assistance  
18 with these steps in any manner.

19 SECTION 14. AMENDATORY 59 O.S. 2011, Section 858-356, is  
20 amended to read as follows:

21 Section 858-356. ~~A. Prior to the signing by a party of a~~  
22 ~~contract to purchase, lease, option or exchange real estate, a~~  
23 ~~broker who is performing services as a transaction broker without a~~  
24

1 ~~written brokerage agreement shall describe and disclose in writing~~  
2 ~~the broker's role to the party.~~

3 ~~B. Prior to entering into a written brokerage agreement as~~  
4 ~~either a transaction broker or single-party broker, the broker shall~~  
5 ~~describe and disclose in writing the broker's relationship to the~~  
6 ~~party.~~

7 ~~C. A transaction broker shall disclose to the party for whom~~  
8 ~~the transaction broker is providing services that the party is not~~  
9 ~~vicariously liable for the acts or omissions of the transaction~~  
10 ~~broker.~~

11 ~~D. A single party broker shall disclose to the party for whom~~  
12 ~~the single-party broker is providing services that the party may be~~  
13 ~~vicariously liable for the acts or omissions of a single party~~  
14 ~~broker.~~

15 ~~E. The written disclosures as required by this section and the~~  
16 ~~consent required by Section 5 subsection C of Section 3 of this act~~  
17 ~~must shall be confirmed by each party in writing in a separate~~  
18 ~~provision, incorporated in or attached to the contract to purchase,~~  
19 ~~lease, option, or exchange real estate. In those cases where a~~  
20 ~~broker is involved in a transaction but does not prepare the~~  
21 ~~contract to purchase, lease, option, or exchange real estate,~~  
22 ~~compliance with the disclosure requirements must shall be documented~~  
23 ~~by the broker.~~

24

1 SECTION 15. AMENDATORY 59 O.S. 2011, Section 858-359, is  
2 amended to read as follows:

3 Section 858-359. A. The payment or promise of payment or  
4 compensation by a party to a broker does not determine what  
5 relationship, if any, has been established between the broker and a  
6 party to a transaction.

7 B. In the event a broker receives a fee or compensation from  
8 any party to the transaction based on a selling price or lease cost  
9 of a transaction, such receipt does not constitute a breach of duty  
10 or obligation to any party to the transaction.

11 C. Nothing in this section requires a broker to charge, or  
12 prohibits a broker from charging, a separate fee or other  
13 compensation for each duty or other brokerage services provided  
14 during a transaction.

15 SECTION 16. AMENDATORY 59 O.S. 2011, Section 858-360, is  
16 amended to read as follows:

17 Section 858-360. A. The duties and responsibilities of a  
18 broker specified in Sections ~~±~~ 858-351 through ~~±~~ 858-363 of ~~this~~  
19 ~~act~~ The Oklahoma Real Estate License Code shall replace and abrogate  
20 the fiduciary or other duties of a broker to a party based on common  
21 law principles of agency. The remedies at law and equity supplement  
22 the provisions of Sections ~~±~~ 858-351 through ~~±~~ 858-363 of ~~this act~~  
23 The Oklahoma Real Estate License Code.

24

1        B. A broker may cooperate with other brokers in a transaction.  
2 Under Sections 858-351 through 858-363 of The Oklahoma Real Estate  
3 License Code, a broker shall not be an agent, subagent, or dual  
4 agent and an offer of subagency shall not be made to other brokers.

5        SECTION 17.        AMENDATORY        59 O.S. 2011, Section 858-362, is  
6 amended to read as follows:

7        Section 858-362. A party to a real estate transaction shall not  
8 be vicariously liable for the acts or omissions of a real estate  
9 licensee who is providing brokerage services ~~as a transaction broker~~  
10 under Sections ~~4~~ 858-351 through ~~13~~ 858-363 of ~~this act~~ The Oklahoma  
11 Real Estate License Code.

12        SECTION 18.        AMENDATORY        59 O.S. 2011, Section 858-363, is  
13 amended to read as follows:

14        Section 858-363. Each broker associate, sales associate, and  
15 provisional sales associate shall be associated with a real estate  
16 broker. Associates shall not enter into a brokerage agreement with  
17 a party in the associate's name and shall only be allowed to enter  
18 into the agreement in the name of the broker. A real estate broker  
19 may authorize associates to provide brokerage services in the name  
20 of the real estate broker as permitted under The Oklahoma Real  
21 Estate License Code, which may include the execution of written  
22 agreements; ~~however, such associates shall not refer to themselves~~  
23 ~~as a broker.~~

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