

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 648

By: Aldridge

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5  
6 AS INTRODUCED

7 An Act relating to Oklahoma Real Estate Commission;  
8 amending 59 O.S. 2001, Section 858-307.2, as amended  
9 by Section 4, Chapter 272, O.S.L. 2008 (59 O.S. Supp.  
10 2010, Section 858-307.2), which relates to continuing  
11 education; requiring certain licensee to complete  
12 continuing education requirements of this state under  
13 certain circumstance; amending 59 O.S. 2001, Section  
14 858-401, as amended by Section 3, Chapter 142, O.S.L.  
15 2004 (59 O.S. Supp. 2010, Section 858-401), which  
16 relates to penalties for unlicensed acts; making  
17 certain Commission orders binding on parties;  
18 providing for appeal from certain orders; authorizing  
19 collection of judgment in certain manner; and  
20 providing an effective date.

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

22 SECTION 1. AMENDATORY 59 O.S. 2001, Section 858-307.2,  
23 as amended by Section 4, Chapter 272, O.S.L. 2008 (59 O.S. Supp.  
24 2010, Section 858-307.2), is amended to read as follows:

Section 858-307.2. A. Beginning November 1, 2004, as a  
condition of renewal or reactivation of the license, each licensee  
with the exception of those exempt as set out in this section shall  
submit to the Oklahoma Real Estate Commission evidence of completion  
of a specified number of hours of continuing education courses

1 approved by the Commission, within the thirty-six (36) months  
2 immediately preceding the term for which the license is to be  
3 issued. The number of hours, or its equivalent, required for each  
4 licensed term shall be determined by the Commission and promulgated  
5 by rule. Each licensee shall be required to complete and include as  
6 part of said continuing education a certain number of required  
7 subjects as prescribed by rule.

8 B. The continuing education courses required by this section  
9 shall be satisfied by courses approved by the Commission and offered  
10 by:

- 11 1. The Commission;
- 12 2. A technology center school;
- 13 3. A college or university;
- 14 4. A private school;
- 15 5. The Oklahoma Association of Realtors, the National  
16 Association of Realtors, or any affiliate thereof;
- 17 6. The Oklahoma Bar Association, American Bar Association, or  
18 any affiliate thereof; or
- 19 7. An education provider.

20 C. The Commission shall maintain a list of courses which are  
21 approved by the Commission.

22 D. The Commission shall not issue an active renewal license or  
23 reactivate a license unless the continuing education requirement set  
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1 | forth in this section is satisfied within the prescribed time  
2 | period.

3 | E. The provisions of this section do not apply:

4 | 1. During the period a license is on inactive status;

5 | 2. To a licensee who holds a provisional sales associate  
6 | license;

7 | 3. To a nonresident licensee licensed in this state if the  
8 | licensee maintains a current license in another state or states and  
9 | has satisfied the continuing education requirement for license  
10 | renewal in that state or states. If the nonresident licensee is  
11 | exempt from the continuing education requirements in all states  
12 | where the nonresident holds a license, the non resident licenses  
13 | shall successfully complete this state's continuing education  
14 | requirement for license renewal or reactivation; or

15 | 4. To a corporation, association, partnership or branch office.

16 | SECTION 2. AMENDATORY 59 O.S. 2001, Section 858-401, as  
17 | amended by Section 3, Chapter 142, O.S.L. 2004 (59 O.S. Supp. 2010,  
18 | Section 858-401), is amended to read as follows:

19 | Section 858-401. A. In addition to any other penalties  
20 | provided by law, any person unlicensed pursuant to The Oklahoma Real  
21 | Estate License Code who shall willingly and knowingly violate any  
22 | provision of this Code, upon conviction, shall be guilty of a  
23 | misdemeanor punishable by a fine of not more than One Thousand  
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1 Dollars (\$1,000.00), or by imprisonment in the county jail for not  
2 more than six (6) months, or by both such fine and imprisonment.

3 B. In addition to any civil or criminal actions authorized by  
4 law, whenever, in the judgment of the Oklahoma Real Estate  
5 Commission, any unlicensed person has engaged in any acts or  
6 practices which constitute a violation of the Oklahoma Real Estate  
7 License Code, the Commission may:

8 1. After notice and hearing, and upon finding a violation of  
9 the Code, impose a fine of not more than Five Thousand Dollars  
10 (\$5,000.00) or the amount of the commission or commissions earned,  
11 whichever is greater for each violation of the Code for unlicensed  
12 activity;

13 2. Make application to the appropriate court for an order  
14 enjoining such acts or practices, and upon a showing by the  
15 Commission that such person has engaged in any such acts or  
16 practices, an injunction, restraining order, or such other order as  
17 may be appropriate shall be granted by such court, without bond; or

18 3. Impose administrative fines pursuant to this subsection  
19 which shall be enforceable in the district courts of this state.

20 The order of the Commission shall become final and binding on all  
21 parties unless appealed to the district court as provided in the  
22 Administrative Procedures Act. If an appeal is not made, such order  
23 may be entered on the judgment docket of the district court in a  
24 county in which the debtor has property and thereafter enforced in

1 the same manner as an order of the district court for collection  
2 actions.

3 C. Notices and hearings required by this section and any  
4 appeals from orders entered pursuant to this section shall be in  
5 accordance with the Administrative Procedures Act.

6 D. Such funds as collected pursuant to this section shall be  
7 deposited in the Oklahoma Real Estate Education and Recovery Fund.

8 SECTION 3. This act shall become effective November 1, 2011.

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