

ENROLLED SENATE
BILL NO. 648

By: Aldridge of the Senate

and

Kirby of the House

An Act relating to Oklahoma Real Estate Commission; amending 59 O.S. 2001, Section 858-307.2, as amended by Section 4, Chapter 274, O.S.L. 2008 (59 O.S. Supp. 2010, Section 858-307.2), which relates to continuing education; requiring certain licensee to complete continuing education requirements of this state under certain circumstance; amending 59 O.S. 2001, Section 858-401, as amended by Section 3, Chapter 142, O.S.L. 2004 (59 O.S. Supp. 2010, Section 858-401), which relates to penalties for unlicensed acts; making certain Commission orders binding on parties; providing for appeal from certain orders; authorizing collection of judgment in certain manner; and providing an effective date.

SUBJECT: Licensees of the Oklahoma Real Estate Commission

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 858-307.2, as amended by Section 4, Chapter 274, O.S.L. 2008 (59 O.S. Supp. 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 approved by the Commission, within the thirty-six (36) months immediately preceding the term for which the license is to be issued. The number of hours, or its equivalent, required for each licensed term shall be determined by the Commission and promulgated by rule. Each licensee shall be required to complete and include as part of said continuing education a certain number of required subjects as prescribed by rule.

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

1. The Commission;
2. A technology center school;
3. A college or university;
4. A private school;

5. The Oklahoma Association of Realtors, the National Association of Realtors, or any affiliate thereof;

6. The Oklahoma Bar Association, American Bar Association, or any affiliate thereof; or

7. An education provider.

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

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

E. The provisions of this section do not apply:

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

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

3. To a nonresident licensee licensed in this state if the licensee maintains a current license in another state or states and has satisfied the continuing education requirement for license renewal in that state or states. If the nonresident licensee is exempt from the continuing education requirements in all states where the nonresident holds a license, the nonresident licensee shall successfully complete this state's continuing education requirement for license renewal or reactivation; or

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

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

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

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

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

2. Make application to the appropriate court for an order enjoining such acts or practices, and upon a showing by the Commission that such person has engaged in any such acts or

practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court, without bond; or

3. Impose administrative fines pursuant to this subsection which shall be enforceable in the district courts of this state. The order of the Commission shall become final and binding on all parties unless appealed to the district court as provided in the Administrative Procedures Act. If an appeal is not made, such order may be entered on the judgment docket of the district court in a county in which the debtor has property and thereafter enforced in the same manner as an order of the district court for collection actions.

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

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

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

Passed the Senate the 9th day of March, 2011.

Presiding Officer of the Senate

Passed the House of Representatives the 31st day of March, 2011.

Presiding Officer of the House
of Representatives