ENGROSSED HOUSE
BILL NO. 1355 By: Cooksey of the House

and

Paddack of the Senate

An Act relating to professions and occupations; amending 59 O.S. 2011, Sections 858-302, 858-303 and 858-304, which relate to the Oklahoma Real Estate License Code; modifying eligibility for certain licenses; making certain education requirements valid for certain time; requiring additional education for certain applicants; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 858-302, is amended to read as follows:

Section 858-302. A. Any person of good moral character, eighteen (18) years of age or older, and who shall submit to the Commission evidence of successful completion of ninety (90) clock hours or its equivalent as determined by the Commission of basic real estate instruction in a course of study approved by the Commission, may apply to the Commission to take an examination for the purpose of securing a license as a provisional sales associate. <u>The education required in this subsection shall only be valid for a period of three (3) years from the date the school certified</u>

successful completion of the course; thereafter, the applicant shall be required to successfully complete an additional ninety (90) clock hours or its equivalent in basic real estate instruction.

B. Application shall be made upon forms prescribed by the Commission and shall be accompanied by an examination fee as provided for in this Code and all information and documents the Commission may require.

C. The applicant shall appear in person before the Commission for an examination which shall be in the form and inquire into the subjects the Commission shall prescribe.

D. If it shall be determined that the applicant shall have passed the examination, received final approval of the application, and paid the appropriate license fee provided for in this Code along with the Oklahoma Real Estate Education and Recovery Fund fee, the Commission shall issue to the applicant a provisional sales associate license.

E. Following the issuance of a provisional sales associate license, the licensee shall then submit to the Commission, prior to the expiration of the provisional license, evidence of successful completion of forty-five (45) clock hours or its equivalent as determined by the Commission of ~~posteducation~~ postlicense education real estate instruction in a course(s) of study approved by the Commission. A provisional sales associate who fails to submit evidence of compliance with the ~~posteducation~~ postlicense education

requirement pursuant to this section, prior to the first expiration date of the provisional sales associate license, shall not be entitled to renew such license for another license term. However, the Commission shall promulgate rules for those persons called into active military service for purposes of satisfying the ~~posteducation~~ postlicense education requirement.

SECTION 2. AMENDATORY 59 O.S. 2011, Section 858-303, is amended to read as follows:

Section 858-303. A. Any person of good moral character, who holds a renewable sales associate license and who shall have had two (2) years' experience, within the previous five (5) years, as a licensed real estate sales associate or provisional sales associate, or its equivalent, and who shall submit to the Commission evidence of successful completion of ninety (90) clock hours or its equivalent as determined by the Commission of advanced real estate instruction in a course of study approved by the Commission, which instruction shall be in addition to any instruction required for securing a license as a real estate sales associate, may apply to the Commission to take an examination for the purpose of securing a license as a real estate broker or broker associate. The education required in this subsection shall only be valid for a period of three (3) years from the date the school certified successful completion of the course; thereafter, the applicant shall be

required to successfully complete an additional ninety (90) clock hours or its equivalent in basic real estate instruction.

B. Application shall be made upon forms prescribed by the Commission and shall be accompanied by an examination fee as provided for in this Code and all information and documents the Commission may require.

C. The applicant shall appear in person before the Commission for an examination which shall be in the form and shall inquire into the subjects which the Commission shall prescribe.

D. If it shall be determined that the applicant shall have passed the examination, received final approval of the application, and paid the appropriate license fee provided for in this Code along with the Oklahoma Real Estate Education and Recovery Fund fee, the Commission shall issue to the applicant a broker or broker associate license.

SECTION 3. AMENDATORY 59 O.S. 2011, Section 858-304, is amended to read as follows:

Section 858-304. A. A certified transcript from an institution of higher education, accredited by the Oklahoma State Regents for Higher Education or the corresponding accrediting agency of another state, certifying to the successful completion of a six-academic-hour basic course of real estate instruction, or its equivalent, for which college credit was given, shall be prima facie evidence of successful completion of the clock hours of basic real estate

instruction for a provisional sales associate applicant as required in Section 858-302 of this Code. The education required in this subsection shall only be valid for a period of three (3) years from the date the school certified successful completion of the course; thereafter, the applicant shall be required to successfully complete an additional six-academic-hour basic course of real estate instruction, or its equivalent.

B. A certified transcript from an institution of higher education, accredited by the Oklahoma State Regents for Higher Education or the corresponding accrediting agency of another state, certifying to the successful completion of a three-academic-hour course of real estate instruction, or its equivalent, consisting of the provisional sales associate ~~postlicensing educational~~ postlicense education requirements for which college credit was given, shall be prima facie evidence of successful completion of the clock hours of real estate instruction for the postlicense education requirement as required in Section 858-302 of this title.

C. A certified transcript from an institution of higher education, accredited by the Oklahoma State Regents for Higher Education or the corresponding agency of another state, certifying to the successful completion of a six-academic-hour advanced course of real estate instruction, or its equivalent, for which college credit was given, shall be prima facie evidence of successful completion of the clock hours of advanced real estate instruction,

or its equivalent, as required in Section 858-303 of this Code for a broker applicant.

D. Each school, whether public or private other than institutions of higher education, must present to the Commission its syllabus of instruction, prior to approval of such school.

SECTION 4. This act shall become effective November 1, 2013.

Passed the House of Representatives the 27th day of February, 2013.

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Presiding Officer of the House of Representatives

Passed the Senate the ___ day of _____, 2013.

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Presiding Officer of the Senate