

1 **SENATE FLOOR VERSION**

2 March 21, 2013

3 ENGROSSED HOUSE
4 BILL NO. 1245

By: Martin (Steve) of the House

5 and

6 Marlatt of the Senate

7
8 An Act relating to real estate brokers; amending 15
9 O.S. 2011, Section 136, which relates to statute of
10 frauds; modifying conditions which make certain
11 contracts invalid; amending 59 O.S. 2011, Section
12 858-351, as amended by Section 1, Chapter 251, O.S.L.
2012 (59 O.S. Supp. 2012, Section 858-351), which
relates to The Oklahoma Real Estate License Code;
modifying definition; and providing an effective
date.

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

16 SECTION 1. AMENDATORY 15 O.S. 2011, Section 136, is
17 amended to read as follows:

18 Section 136. The following contracts are invalid, unless the
19 same, or some note or memorandum thereof, be in writing and
20 subscribed by the party to be charged, by an agent of the party or
21 by a ~~single-party~~ broker of the party pursuant to Sections 858-351
22 through 858-363 of Title 59 of the Oklahoma Statutes:

23 1. An agreement that, by its terms, is not to be performed
24 within a year from the making thereof;

1 2. A special promise to answer for the debt, default or
2 miscarriage of another, except in the cases provided for in the
3 article on guaranty;

4 3. An agreement made upon consideration of marriage, other than
5 a mutual promise to marry; or

6 4. An agreement for the leasing for a longer period than one
7 (1) year, or for the sale of real property, or of an interest
8 therein; and such agreement, if made by an agent or a ~~single-party~~
9 broker of the party sought to be charged, is invalid, unless the
10 authority of the agent or the ~~single-party~~ broker be in writing,
11 subscribed by the party sought to be charged.

12 SECTION 2. AMENDATORY 59 O.S. 2011, Section 858-351, as
13 amended by Section 1, Chapter 251, O.S.L. 2012 (59 O.S. Supp. 2012,
14 Section 858-351), is amended to read as follows:

15 Section 858-351. Unless the context clearly indicates
16 otherwise, as used in Sections 858-351 through 858-363 of The
17 Oklahoma Real Estate License Code:

18 1. "Broker" means a real estate broker, an associated broker
19 associate, sales associate, or provisional sales associate
20 authorized by a real estate broker to provide brokerage services;

21 2. "Brokerage services" means those services provided by a
22 broker to a ~~consumer~~ party in a ~~consumer~~ transaction;

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

1 4. "Transaction" means an activity or process to buy, sell,
2 lease, rent, option or exchange real estate. Such activities or
3 processes may include, without limitation, soliciting, advertising,
4 showing or viewing real property, presenting offers or
5 counteroffers, entering into agreements and closing such agreements;
6 and

7 5. "Firm" means a sole proprietor, corporation, association or
8 partnership.

9 SECTION 3. This act shall become effective November 1, 2013.

10 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
11 March 21, 2013 - DO PASS

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