

1 **SENATE FLOOR VERSION**

2 February 19, 2015

3 SENATE BILL NO. 379

By: Newberry

4
5
6 An Act relating to real estate; creating the Real
7 Estate Owner's Rights Act; providing short title;
8 establishing certain rights of property owners;
9 granting right for construction and repairs;
10 requiring certain permits and inspections; construing
11 requirement to hire licensed persons under certain
12 condition; authorizing certain assistance to property
13 owner without licensure; granting right for
14 management, rental and leasing; authorizing
15 delegation of certain functions without licensure;
16 prohibiting disclosure of certain agreements;
17 allowing certain services by certain persons relating
18 to property management; providing exception to real
19 estate licensure; amending 59 O.S. 2011, Sections
20 1017 and 1692, which relate to plumbing and
21 electrical licensures; providing exception to
22 licensures of certain property owners; providing an
23 exception to mechanical licensure; providing for
24 codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 858-1000 of Title 59, unless
there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Real Estate
Owner's Rights Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 858-1001 of Title 59, unless
3 there is created a duplication in numbering, reads as follows:

4 An owner of real property in this state has the following
5 rights:

6 A. The right to construct, install, and repair.

7 1. Notwithstanding any provision of law or municipal ordinance
8 to the contrary, an owner of residential real property or farm
9 property who resides in this state and whose real property is
10 located in this state shall be authorized to, and have the absolute
11 right to, personally perform any construction, installation, work or
12 repairs to his or her property including, but not limited to,
13 fencing, landscaping, telephone, plumbing, electrical, roofing,
14 mechanical, carpentry, concrete, masonry or painting, without first
15 obtaining licensure as may be required for such construction,
16 installation, work or repair; provided, however, the owner shall be
17 required to:

18 a. obtain all applicable state and local permits and
19 inspections to satisfy the state and local building
20 code requirements, if any,

21 b. obtain the services of a qualified professional or
22 obtain applicable authority when working directly
23 with, connecting to or disconnecting from any public
24

1 utility system or public service corporation system,
2 and

3 c. disclose the nature and extent of the construction,
4 installation, work or repairs performed by the owner
5 for purposes of the sale of such property, if
6 licensure would have been required for such work.

7 2. Nothing in this subsection shall be construed to allow the
8 owner of any residential or farm property to avoid the hire of a
9 qualified licensed professional to perform any construction,
10 installation, work or repairs to his or her property where a valid
11 license is required by law or municipal ordinance should the work be
12 performed by a person other than the actual owner of the property or
13 by the owner's family members, relatives or employees without such
14 persons being licensed.

15 3. For purposes of this subsection, an owner is authorized to,
16 and shall have the absolute right to, be assisted by his or her
17 family members, relatives or employees when performing construction,
18 installation, work or repairs to his or her residential or farm
19 property.

20 B. The right to manage, rent, lease, and sell.

21 1. An owner of residential real property or farm property who
22 resides in this state and whose property is located in this state
23 shall be authorized to, and have the absolute right to, personally
24 manage, rent, and/or lease or sell his or her property without

1 obtaining a real estate license or using a licensed real estate
2 broker, sales associate or property management company for such
3 purposes, or paying any fee to or registering such property with a
4 municipality.

5 2. Any owner of residential real property or farm property who
6 resides in-state or out-of-state and whose property is located in
7 this state may delegate, and shall have an absolute right to
8 delegate, another person to manage, rent, and/or lease his or her
9 property without the owner or designated person being required to
10 obtain a real estate license, or obtain the services of a licensed
11 real estate broker, sales associate or property management company,
12 or pay any fee to or register such property with a municipality.

13 3. Notwithstanding any provision of law or municipal ordinance
14 to the contrary, an owner of residential real property or farm
15 property, or its designated agent as authorized by paragraph 2 of
16 this subsection, shall not be required to disclose any rental, lease
17 or property management agreement to a municipality as a condition of
18 property management, rental or leasing by the property owner or his
19 or her designee.

20 4. Nothing in this subsection shall be construed to prohibit an
21 owner of residential real property or farm property from utilizing
22 the services of a licensed real estate broker, sales associate or
23 property management company for any purpose or service relating to
24 his or her property.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 858-606 of Title 59, unless
3 there is created a duplication in numbering, reads as follows:

4 Pursuant to the Real Estate Owner's Rights Act, an owner of
5 residential real property or farm property shall not be required to
6 obtain or hold a valid real estate broker license, sales associate
7 license or be in the business of real property management to manage,
8 rent, lease or sell his or her real property.

9 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1017, is
10 amended to read as follows:

11 Section 1017. The provisions of The Plumbing License Law of
12 1955 shall not apply to:

13 1. Minor repairs, consisting of repairing or replacing faucets
14 or minor working parts of plumbing fixtures;

15 2. Farm buildings located outside any city or town unless such
16 buildings are connected to a public water or sewer system;

17 3. Maintenance work for state institutions and school
18 districts;

19 4. The installation, maintenance, repair, renovation of
20 automatic sprinkler systems and related mechanical appurtenances
21 beginning at a point where the pipe or piping system provides water
22 used exclusively for these automatic sprinklers and their related
23 appurtenances and to standpipes connected to automatic sprinkler
24 systems;

1 5. The construction, installation, maintenance, repair,
2 renovation, and/or removal of pipe or piping systems and related
3 mechanical appurtenances including backflow preventers, appliances
4 and/or equipment used in connection therewith, directly or
5 indirectly within or without any building or structure, from a point
6 or location in a source of potable water supply at which point or
7 location there exists any backflow preventer, provided that ~~said~~ the
8 pipe and/or piping systems are for:

- 9 a. heating, except radiant-floor heating systems as
10 defined in subparagraph d of paragraph 9 of Section
11 1003 of this title,
- 12 b. cooling,
- 13 c. air conditioning,
- 14 d. refrigeration, or
- 15 e. boilers and other pressure vessels of whatsoever kind
16 and character.

17 A "backflow preventer," as used herein, means any permanent
18 mechanical device, or combination of permanent mechanical devices,
19 of whatever material, which, after installation acts to prevent a
20 reversal of the normal directional flow of potable water within the
21 piping system in which it is installed, and shall include, but not
22 be limited to, metal checkvalves and airgaps, either naturally or
23 artificially created. Provided, further, that the exclusionary
24 provisions of this paragraph shall apply only to and within

1 governmental agencies, counties, cities and towns which now have or
2 which hereafter may adopt separate laws relating to the licensing,
3 registration and regulating of persons engaged, for business
4 purposes, in any of the areas of trade hereinbefore specified in
5 this paragraph; the exemptions herein being provided to apply only
6 to these items specifically regulated by any such local laws and
7 ordinances; and

8 6. An individual who performs plumbing work on ~~such~~
9 ~~individual's~~ residential or farm property of residence owned by the
10 individual or an owner who performs plumbing work on his or her
11 property with the assistance of his or her family members, relatives
12 or employees as authorized by this act.

13 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1692, is
14 amended to read as follows:

15 Section 1692. A. The provisions of the Electrical License Act
16 shall not apply to:

17 1. Minor repairs, consisting of repairing or replacing outlets
18 or minor working parts of electrical fixtures;

19 2. Maintenance work for state and federal institutions;

20 3. The construction, installation, maintenance, repair and
21 renovation by a public utility regulated by the Corporation
22 Commission;

23 4. Public service corporations, telephone and telegraph
24 companies, rural electric associations or municipal utilities;

1 5. The construction, installation, maintenance, repair and
2 renovation of telephone equipment or computer systems by a person,
3 firm, or corporation engaged in the telecommunications or
4 information systems industry when such activities involve work
5 exclusively for communication of data, voice, or for other signaling
6 purposes; except fire alarm systems, security systems, and
7 environmental control systems that are not an integral part of a
8 telecommunications system; or

9 6. The installation, maintenance, repair or replacement of
10 water supply pumps, provided such work is performed from the output
11 side of a fused disconnect or breaker box.

12 B. Nothing in the Electrical License Act shall be construed to
13 require:

14 1. Employment of a licensed electrical contractor, journeyman
15 electrician or electrical apprentice except as required by local
16 ordinances and resolutions;

17 2. Any regular employee of any firm or corporation to hold a
18 license before doing any electrical work on the property of the firm
19 or corporation whether or not the property is owned, leased or
20 rented except as may be required by local ordinances and
21 resolutions; or

22 3. An individual to hold a license before doing electrical work
23 on his or her own property or residence ~~except as may be required by~~
24 ~~local ordinances and resolutions~~ or an owner who performs electrical

1 work on his or her property or residence with the assistance of his
2 or her family members, relatives or employees as authorized by this
3 act.

4 SECTION 6. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1850.7a of Title 59, unless
6 there is created a duplication in numbering, reads as follows:

7 The provisions of the Mechanical Licensing Act shall not apply
8 to an individual who performs mechanical work on residential or farm
9 property owned by such individual or an owner of property who
10 performs mechanical work with the assistance of his or her family
11 members, relatives or employees as authorized by the Real Estate
12 Owner's Rights Act.

13 SECTION 7. This act shall become effective November 1, 2015.

14 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
15 February 19, 2015 - DO PASS
16
17
18
19
20
21
22
23
24