

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

POLICY COMMITTEE
RECOMMENDATION

FOR ENGROSSED

SENATE BILL NO. 877

By: Bullard and Hamilton of the
Senate

and

Maynard of the House

POLICY COMMITTEE RECOMMENDATION

An Act relating to deed regulation; amending 59 O.S. 2021, Sections 858-307.2, 858-351, and 858-353, as amended by Section 1, Chapter 326, O.S.L. 2024 (59 O.S. Supp. 2024, Section 858-353), which relate to real estate licensing; requiring certain continuing education course; expanding application of certain definitions; defining term; updating statutory language; requiring certain notification to buyer; requiring the Oklahoma Real Estate Commission to promulgate certain rules; requiring written memorial of certain services; prescribing content; prescribing requirements related to renewal; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2021, 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~~ a real estate license,
each licensee with the exception of those exempt as set out in this

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

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

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

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

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

5 E. The provisions of this section do not apply:

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

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

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

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

19 F. The Commission shall require each licensee to receive a
20 specified number of hours of continuing education courses on deed
21 theft, as defined in Section 858-351 of this title. Each licensee
22 shall be required to complete such continuing education on or before
23 November 1, 2028.
24

1 SECTION 2. AMENDATORY 59 O.S. 2021, Section 858-351, is
2 amended to read as follows:

3 Section 858-351. Unless the context clearly indicates
4 otherwise, as used in Sections 858-351 through 858-363 of The
5 Oklahoma Real Estate License Code and Section 3 of this act:

6 1. "Broker" means a real estate broker, an associated broker
7 associate, sales associate, or provisional sales associate
8 authorized by a real estate broker to provide brokerage services;

9 2. "Brokerage services" means those services provided by a
10 broker to a party in a transaction;

11 3. "Deed theft" means to:

12 a. intentionally alter, falsify, forge, or misrepresent a
13 document relating to real property with the intent to
14 deceive, defraud, or unlawfully transfer or encumber
15 the ownership rights of the owner of the real
16 property,

17 b. misrepresent oneself as the owner or authorized
18 representative of the owner of real property in order
19 to obtain ownership or possession of such real
20 property, or

21 c. with intent to defraud, take, obtain, steal, or
22 transfer title or ownership of real property by fraud,
23 forgery, larceny, or any other fraudulent or deceptive
24 practice;

1 4. "Firm" means a sole proprietor, corporation, association, or
2 partnership;

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

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

11 ~~5. "Firm" means a sole proprietor, corporation, association or~~
12 ~~partnership.~~

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 858-364 of Title 59, unless
15 there is created a duplication in numbering, reads as follows:

16 As part of each closing of a transaction, notification of the
17 signs and risks of deed theft, as defined in Section 2 of this act,
18 shall be required to be given to the buyer by a licensed real estate
19 broker. The buyer shall confirm receipt of such notification by
20 affixing his or her signature to such notification. The Oklahoma
21 Real Estate Commission shall promulgate rules to enact the
22 provisions of this section.

1 SECTION 4. AMENDATORY 59 O.S. 2021, Section 858-353, as
2 amended by Section 1, Chapter 326, O.S.L. 2024 (59 O.S. Supp. 2024,
3 Section 858-353), is amended to read as follows:

4 Section 858-353. A. A broker shall have the following duties
5 and responsibilities to all parties in a transaction, which are
6 mandatory and may not be abrogated or waived by a broker:

7 1. Treat all parties with honesty and exercise reasonable skill
8 and care;

9 2. Unless specifically waived in writing by a party to the
10 transaction:

11 a. receive all written offers and counteroffers,

12 b. reduce offers or counteroffers to a written form upon
13 request of any party to a transaction, and

14 c. present timely all written offers and counteroffers;

15 3. Timely account for all money and property received by the
16 broker;

17 4. Keep confidential information received from a party or
18 prospective party confidential. The confidential information shall
19 not be disclosed by a firm without the consent of the party
20 disclosing the information unless consent to the disclosure is
21 granted in writing by the party or prospective party disclosing the
22 information, the disclosure is required by law, or the information
23 is made public or becomes public as the result of actions from a
24 source other than the firm. The following information shall be

1 considered confidential and shall be the only information considered
2 confidential in a transaction:

- 3 a. that a party or prospective party is willing to pay
4 more or accept less than what is being offered,
- 5 b. that a party or prospective party is willing to agree
6 to financing terms that are different from those
7 offered,
- 8 c. the motivating factors of the party or prospective
9 party purchasing, selling, leasing, optioning or
10 exchanging the property, and
- 11 d. information specifically designated as confidential by
12 a party unless such information is public;

13 5. Disclose information pertaining to the property as required
14 by the Residential Property Condition Disclosure Act;

15 6. Comply with all requirements of The Oklahoma Real Estate
16 License Code and all applicable statutes and rules; and

17 7. Disclose:

- 18 a. information pertaining to compensation and fees
19 assessed on each transaction to the represented party,
20 which shall be communicated in writing before the
21 effective date of the contract for sale or lease, and
- 22 b. the time frame for which the compensation agreement is
23 valid, not to exceed one (1) year. If no time frame
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1 is specified, the compensation agreement shall default
2 to sixty (60) days.

3 B. A broker shall have the following duties and
4 responsibilities only to a party for whom the broker is providing
5 brokerage services in a transaction which are mandatory and may not
6 be abrogated or waived by a broker:

7 1. Inform the party in writing when an offer is made that the
8 party will be expected to pay certain costs, brokerage service costs
9 and the approximate amount of the costs; and

10 2. Keep the party informed regarding the transaction.

11 C. When working with both parties to a transaction, the duties
12 and responsibilities set forth in this section shall remain in place
13 for both parties.

14 D. A buyer and a broker providing services for the buyer shall
15 memorialize in writing the relationship between the buyer and the
16 broker including, but not limited to:

17 1. The duration of the relationship for which the broker is
18 responsible to the buyer, not to exceed one (1) year; and

19 2. The compensation agreed to by the broker and the buyer for
20 the duration of the contract including commissions, fees, and any
21 other compensation that is received by the broker during the course
22 of the relationship.

23 E. A document memorializing the working relationship between a
24 buyer and a broker providing services for the buyer shall be signed

1 by both the buyer and the broker prior to providing services
2 specific to the buyer.

3 F. Upon the expiration or termination of such a working
4 relationship, nothing shall preclude a buyer and broker from signing
5 a new agreement with terms memorialized in the same manner as
6 required by this section. Such contracts shall not include terms
7 which cause the contract to renew without additional agreement from
8 both the buyer and the broker.

9 SECTION 5. This act shall become effective November 1, 2025.

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