

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 877

By: Bullard and Hamilton of the
Senate

and

Maynard of the House

11 COMMITTEE SUBSTITUTE

12 An Act relating to deed regulation; amending 59 O.S.
13 2021, Sections 858-307.2, 858-351, and 858-353, as
14 amended by Section 1, Chapter 326, O.S.L. 2024 (59
15 O.S. Supp. 2024, Section 858-353), which relate to
16 real estate licensing; requiring certain continuing
17 education course; expanding application of certain
18 definitions; defining term; updating statutory
19 language; requiring certain notification to buyer;
20 requiring the Oklahoma Real Estate Commission to
21 promulgate certain rules; requiring written memorial
22 of certain services; prescribing content; prescribing
23 requirements related to renewal; providing for
24 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:

1 Section 858-307.2. A. Beginning November 1, 2004, as a
2 condition of renewal or reactivation of ~~the~~ a real estate license,
3 each licensee with the exception of those exempt as set out in this
4 section shall submit to the Oklahoma Real Estate Commission evidence
5 of completion of a specified number of hours of continuing education
6 courses approved by the Commission, within the thirty-six (36)
7 months immediately preceding the term for which the license is to be
8 issued. The number of hours, or its equivalent, required for each
9 licensed term shall be determined by the Commission and promulgated
10 by rule. Each licensee shall be required to complete and include as
11 part of ~~said~~ such continuing education a certain number of required
12 subjects as prescribed by rule.

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

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

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

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

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

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

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

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

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

21 F. The Commission shall require each licensee to receive a
22 specified number of hours of continuing education courses on deed
23 theft, as defined in Section 858-351 of this title. Each licensee
24

1 shall be required to complete such continuing education on or before
2 November 1, 2028.

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

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

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

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

13 3. "Deed theft" means to:

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

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

23 c. with intent to defraud, take, obtain, steal, or
24 transfer title or ownership of real property by fraud,

1 forgery, larceny, or any other fraudulent or deceptive
2 practice;

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

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

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

13 ~~5. "Firm" means a sole proprietor, corporation, association or~~
14 ~~partnership.~~

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

18 As part of each closing of a transaction, notification of the
19 signs and risks of deed theft, as defined in Section 858-351 of
20 Title 59 of the Oklahoma Statutes, shall be required to be given to
21 the buyer by a licensed real estate broker. The buyer shall confirm
22 receipt of such notification by affixing his or her signature to
23 such notification. The Oklahoma Real Estate Commission shall
24 promulgate rules to enact the 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
24

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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11 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
12 OVERSIGHT, dated 04/23/2025 - DO PASS, As Amended.
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