

HOUSE BILL NO. 502

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES G.DAVIS, Navarre

Introduced: 2/12/96

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the auctioning of real estate."

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 08.88 is amended by adding a new section to read:

4 Sec. 08.88.165. CONDUCT OF AUCTIONS. Notwithstanding AS 08.88.161,
5 a person who is not licensed under this chapter may conduct an auction of real estate
6 if

7 (1) the person has completed an auctioneering program at a school
8 certified by an agency of this or another state, and the program included a course on
9 real estate sales; and

10 (2) a real estate broker licensed under this chapter or an associate real
11 estate broker licensed under this chapter supervises and is present during the auction.

12 * **Sec. 2.** AS 08.88.251(b) is amended to read:

13 (b) An inactive licensee may not attempt or offer to do any of the activities
14 listed in AS 08.88.161, **except as otherwise allowed for unlicensed persons under**
15 **AS 08.88.165.**

1 * **Sec. 3.** AS 08.88.900 is amended to read:

2 Sec. 08.88.900. EXCEPTIONS. This chapter does not apply to

3 (1) a person who is not licensed under this chapter who makes a real
4 estate transaction with respect to real estate the person owns or on the person's own
5 behalf, unless the transaction involves land defined in AS 34.55.044(7) that is not in
6 Alaska;

7 (2) an attorney in fact under a power of attorney authorizing the
8 consummation of a specific real estate transaction; an attorney in fact may not act as
9 such for more than two transactions in a calendar year;

10 (3) a lawyer performing duties as a lawyer;

11 (4) a public official in the conduct of official duties;

12 (5) a person acting as receiver, trustee, administrator, executor, or
13 guardian;

14 (6) a person acting under court order;

15 (7) a person acting under the authority of a will or trust instrument;

16 (8) a person dealing in mineral rights transactions;

17 (9) a domestic or foreign corporation, a general or limited partnership,
18 or a partner or regular employee of a domestic or foreign corporation or a general or
19 limited partnership, when performing an act described in AS 08.88.161 in the regular
20 course, or as an incident to, the management, sale, or other disposition of real estate
21 owned by the corporation or partnership; the exemption provided in this paragraph
22 does not apply to a person who performs an act described in AS 08.88.161, **unless**
23 **allowed for unlicensed persons under AS 08.88.165**, either

24 (A) as a vocation; or

25 (B) for compensation if the amount of the compensation is
26 dependent upon or directly related to the value of the real estate with respect
27 to which the act is performed;

28 (10) a resident manager of rented real estate if the resident manager's
29 duties are limited to the negotiation of leases and rental agreements and the collection
30 of rent for the use of the real estate and if the resident manager is

31 (A) employed by the owner of the real estate; or

1 (B) employed by, or engaged under contract with, a licensed
2 real estate broker.