

1 IN THE HOUSE BY MESSRS. PLOTNICK AND STEVENS

2 HOUSE BILL NO. 173

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Real Estate Commis-  
7 sion; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 08.88.041(b) is amended to read:

10 (b) Commission members shall be appointed as follows:  
11 one from the First Judicial District; one from the Fourth  
12 Judicial District; two from the Greater Anchorage Area  
13 Borough; and one from the Third Judicial District exclusive  
14 of the Greater Anchorage Area Borough [NO MORE THAN TWO  
15 MEMBERS MAY BE APPOINTED FROM ANY ONE JUDICIAL DISTRICT].

16 \* Sec. 2. AS 08.88.051(b) is amended to read:

17 (b) Three commission members constitute a quorum for  
18 conducting business but at least two districts must be repre-  
19 sented in the quorum [A MAJORITY OF THE COMMISSION IS A  
20 QUORUM FOR CONDUCTING BUSINESS].

21 \* Sec. 3. AS 08.88.161 is amended to read:

22 Sec. 08.88.161. LICENSE REQUIRED. Unless he is  
23 licensed as a real estate broker with a bona fide business  
24 location, associate real estate broker, or real estate sales-  
25 man, no person may

26 (1) sell, exchange, rent, lease, auction, or pur-  
27 chase real estate;

28 (2) list real estate for sale, exchange, rent,  
29 lease, auction, or purchase;

- 1 (3) collect rent for the use of real estate;  
2 (4) as a business, buy, sell, or deal in  
3 (A) options in real estate; or  
4 (B) options in improvements to real estate;  
5 (5) assist in or direct the procuring of pros-  
6 pective buyers or the negotiation of a transaction which  
7 results or is calculated to result in the sale, exchange,  
8 rent, lease, auction, or purchase of real estate;  
9 (6) hold himself out to the public as being en-  
10 gaged in the business of doing any of the things listed in  
11 this section;  
12 (7) attempt or offer to do any of the things  
13 listed in this section.

14 \* Sec. 4. AS 08.88.211 is amended to read:

15 Sec. 08.88.211. QUALIFICATION FOR EXAMINATION. (a) A  
16 person is entitled to take a real estate broker examination  
17 if he

18 (1) provides evidence he has had at least 24  
19 months of active and continuous full-time experience as a  
20 real estate salesman, the evidence to be furnished in affi-  
21 davit form by his employing broker or brokers (with certi-  
22 fied statement);

23 (2) has been a resident of the state for at least  
24 90 days;

25 (3) is at least 21 years old;

26 (4) has not engaged in conduct that demonstrates  
27 that he is unfit to be a real estate broker;

28 (5) is a United States citizen[;].

29 [(6) FILES A REQUIRED BOND.]

1 (b) A person is entitled to take a real estate sales-  
2 man examination if he

3 (1) is at least 19 years old;

4 (2) has been a resident of the state for 90 days;

5 (3) has not engaged in conduct that demonstrates  
6 that he is unfit to be a real estate salesman;

7 (4) is a United States citizen[;].

8 [(5) FILES THE REQUIRED BOND.]

9 (c) In addition to the requirements of (a) or (b) of  
10 this section, to be qualified to take an examination a per-  
11 son must

12 (1) within the time specified by a department  
13 regulation, return application forms to the department show-  
14 ing information specified in regulations of the commission;

15 (2) pay the application fee of \$50 for the real  
16 estate broker examination or \$35 for the real estate sales-  
17 man examination.

18 (d) An applicant who successfully takes the examination  
19 must apply for his real estate license within six months from  
20 the date of the examination. If an applicant fails to apply  
21 within the six-month deadline he may not be issued a license  
22 without re-examination.

23 \* Sec. 5. AS 08.88.241 is amended to read:

24 Sec. 08.88.241. ANNUAL RENEWAL. [A PERSON WHO PASSES  
25 THE EXAMINATION IS LICENSED WITHOUT PAYMENT OF FURTHER FEE.]  
26 To remain licensed, a person must pay the renewal fee before  
27 February 1 of each year. The commission shall renew a  
28 lapsed license when the licensee applies for renewal and pays  
29 accrued renewal fees. He is entitled to have it renewed

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without taking an examination unless his license has lapsed more than one year [FIVE YEARS], in which case he is required to take an examination [IF THE COMMISSION FINDS THAT ADDITIONAL EVIDENCE OF HIS CONTINUED FITNESS TO PRACTICE IS REQUIRED].

\* Sec. 6. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.