

Introduced: 1/24/68
Referred: Judiciary and
Commerce

1 IN THE HOUSE

BY STEVENS AND SASSARA

2 HOUSE BILL NO. 400

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to real estate brokers."

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

8 * Section 1. AS 08.88.161 is amended by adding a new paragraph to read:

9 (8) be compensated for his efforts in buying or selling
10 corporation or group real estate holdings.

11 * Sec. 2. AS 08.88.191(a) is amended to read:

12 (a) The department shall offer examinations prepared by the com-
13 mission at least four times [ONCE] a year [AND MORE FREQUENTLY IF MORE
14 THAN TWO PERSONS WHO ARE QUALIFIED TO TAKE AN EXAMINATION PETITION THE
15 DEPARTMENT FOR AN ADDITIONAL EXAMINATION].

16 * Sec. 3. AS 08.88.201 is amended to read:

17 Sec. 08.88.201. RE-EXAMINATION. A person who fails an examina-
18 tion may apply for a subsequent examination, but shall pay the applica-
19 tion fee each time he applies. [HE MAY NOT PETITION FOR AN ADDITIONAL
20 EXAMINATION UNDER SEC. 191(A) OF THIS CHAPTER, BUT HE MAY TAKE ONE IF
21 IT IS OFFERED.]

22 * Sec. 4. AS 08.88.211(a) is amended to read:

23 (a) A person is entitled to take a real estate broker examination
24 if he

25 (1) has had at least 24 months of active and continuous ex-
26 perience as a licensed real estate salesman;

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

28 (3) is at least 21 years old;

29 (4) has not engaged in conduct that demonstrates that he is

1 unfit to be a real estate broker;

2 (5) is a United States citizen [; (6) FILES A REQUIRED
3 BOND].

4 * Sec. 5. AS 08.88.211(b)(5) and 08.88.211(d) are repealed.

5 * Sec. 6. AS 08.88.241 is amended to read:

6 Sec. 08.88.241. ANNUAL RENEWAL. To remain licensed, a person
7 must pay the renewal fee before February 1 of each year. The commis-
8 sion shall renew a lapsed license when the licensee applies for renewal
9 and pays accrued renewal fees. A person is entitled to have it renewed
10 without taking an examination unless his license has lapsed more than
11 one [THREE] years, in which case he is required to take an examination.

12 * Sec. 7. AS 08.88.251(c) is amended to read:

13 (c) A person who is inactive may become active by returning to
14 the department his inactive license certificate, the renewal fee for
15 the year, if he becomes active more than five months before February 1
16 following, and a form provided by the department. In the form he shall
17 state the date on which he intends to become active. His active status
18 begins on the date stated. The department shall send him a license
19 certificate. A person is entitled to change from an inactive to an
20 active status without examination if he has not been inactive more than
21 three [FIVE] years. If he has been inactive more than three [FIVE]
22 years, he is required to take an examination [IF THE COMMISSION FINDS
23 THAT ADDITIONAL EVIDENCE OF HIS CONTINUED FITNESS TO PRACTICE IS RE-
24 QUIRED].

25 * Sec. 8. AS 08.88.261 is amended to read:

26 Sec. 08.88.261. OUT-OF-STATE LICENSES. A person who holds a
27 valid, active license from another state is entitled to a license of
28 the kind he holds there without examination if he (1) meets the require-
29 ments of sec. 211 of this chapter; and (2) the real estate commission

1 of the state in which he presently holds a license provides Alaska
2 licensees like privileges and directs a written nonrevocable reciprocity
3 agreement to the Alaska Real Estate Commission [PASSED AN EXAMINATION
4 IN THE OTHER STATE AT LEAST AS COMPREHENSIVE AS THE ALASKA EXAMINATION]

5 * Sec. 9. AS 08.88.311 is amended to read:

6 Sec. 08.88.311. BRANCH OFFICES. If a branch office is not within
7 a 25-mile radius of the [IN THE SAME ELECTION DISTRICT AS THE] princi-
8 pal office, [OR IF IT IS BEYOND THE REAL ESTATE BROKER'S IMMEDIATE
9 SUPERVISION,] the real estate broker shall employ an associate real
10 estate broker to be in charge of it. [NO REAL ESTATE BROKER MAY PLACE
11 A REAL ESTATE SALESMAN IN CHARGE OF A PRINCIPAL OF BRANCH OFFICE.]

12 * Sec. 10. AS 08.88.401(b) is amended to read:

13 (b) No person, even though he is placed under a legal obligation
14 or serving as an escrow holder, may pay, offer to pay or deliver com-
15 ensation to a nonlicensee to assist him in or direct the procuring of
16 prospective buyers or the negotiation of a transaction which results or
17 is calculated to result in the sale, exchange, rent, lease, auction or
18 purchase of real estate [IS AN OBLIGOR OR ESCROW HOLDER, MAY PAY OR
19 DELIVER COMPENSATION TO A PERSON WHO IS NOT LICENSED UNDER THIS CHAPTER
20 FOR DOING WORK FOR WHICH A LICENSE IS REQUIRED UNDER THIS CHAPTER]. A
21 current license certificate or pocket recognition card issued by the
22 commission is sufficient proof to relieve the person from criminal re-
23 sponsibility under this section.

24 * Sec. 11. AS 08.88.421(2) is amended to read:

25 (2) an attorney in fact under a power of attorney authoriz-
26 ing the consummation of a specific real estate transaction; an attorney
27 in fact may [NOT] act as such for a maximum of [MORE THAN] two trans-
28 actions in a calendar year if he is not compensated;
29