

Introduced: 3/12/73
Referred: Commerce and
Judiciary

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE
BY REQUEST

2 *SCS CS* HOUSE BILL NO. 345 *ams*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

8 * Section 1. AS 08.88.031 is repealed and re-enacted to read:

9 Sec. 08.88.031. EXECUTIVE SECRETARY OF COMMISSION. The commis-
10 sioner of commerce may appoint a full-time staff administrator and
11 delineate his authority and duties. He shall serve as the executive
12 secretary of the Real Estate Commission.

13 * Sec. 2. AS 08.88.071(4) is repealed and re-enacted to read:

14 (4) prosecute, through the Department of Law, violations of
15 the provisions of this chapter or lawful regulations promulgated under
16 this chapter.

17 * Sec. 3. AS 08.88.071 is amended by adding a new paragraph to read:

18 (5) publish, on three consecutive weekends in a newspaper
19 of general circulation in the locale of the offending person's principal
20 office licensed under this chapter, any disciplinary action taken by
21 the commission against a person licensed under this chapter.

22 * Sec. 4. AS 08.88.161(8) is repealed.

23 * Sec. 5. AS 08.88 is amended by adding a new section to read:

24 Sec. 08.88.165. CORPORATE OR GROUP HOLDINGS. A person acting
25 for or as a corporation, partnership or association in buying or selling
26 real estate holdings must be licensed according to the activity in
27 which he is engaged.

28 * Sec. 6. AS 08.88.171(a) is amended to read:

29 (a) A person is entitled to a real estate broker license if he has

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1 been a resident of the state for 90 days and if he applies for his
2 license within six months after receipt of notice that he has passed the
3 real estate examination, files the required bond, and is an owner of
4 a real estate business or employed as a real estate broker by a
5 corporation or a partnership. Unless he fails to pay the biennial
6 renewal fee or his license is suspended or revoked under sec. 71(3) of
7 this chapter, a real estate broker's license continues in effect so long
8 as he is an owner of a real estate business, or he is employed as a real
9 estate broker by a corporation or a partnership. If he stops being an
10 owner of a real estate business, or stops being employed as a real
11 estate broker by a corporation or partnership, his license is suspended
12 from the time he stops until

3 (1) he again becomes an owner of a real estate business or is
4 again employed as a real estate broker by a corporation or a partner-
5 ship; or

6 (2) he is employed by a licensed real estate broker, in which
7 case his real estate broker license is returned to the department, and
8 the department issues him an associate real estate broker license.

19 * Sec. 7. AS 08.88.171(b) is amended to read:

20 (b) A person is entitled to an associate real estate broker
21 license if he has been a resident of the state for 90 days and if he
22 passes the real estate examination, applies for his license within six
23 months after receipt of notice that he has passed the examination, files
24 the required bond, and is employed by a licensed real estate broker.
25 Unless he fails to pay the biennial renewal fee or his license is
26 suspended or revoked under sec. 71(3) of this chapter, an associate real
27 estate broker's license continues in effect so long as he is employed by
28 a licensed real estate broker. If he stops being employed by a licensed
29 real estate broker, his license is suspended from the time he stops

1 until

2 (1) he again is employed by a real estate broker; or

3 (2) he becomes an owner of a real estate business, in which
4 case his associate real estate broker license is returned to the
5 department, and the department issues him a real estate broker license.

6 * Sec. 8. AS 08.88.171(c) is amended to read:

7 (c) A person is entitled to a real estate salesman license if he
8 has been a resident of the state for 90 days and if he passes the real
9 estate salesman examination, applies for his license within six months
10 after receipt of notice that he has passed the examination, files the
11 required bond, and is employed by a real estate broker. Unless he
12 fails to pay the biennial renewal fee or his license is suspended or
13 revoked under sec. 71(3) of this chapter, a real estate salesman's
14 license continues in effect so long as he is employed by a licensed
15 real estate broker. If he stops being employed by a licensed real
16 estate broker, his license is suspended from the time he stops until he
17 again is employed by a licensed real estate broker.

18 * Sec. 9. AS 08.88.191(d) is amended to read:

19 (d) If a person fails to take an examination after he has paid the
20 application fee, the department shall refund one-half of the fee.

21 * Sec. 10. AS 08.88.211(a)(1) is amended to read:

22 (1) has had at least 24 months of active and continuous
23 experience as a licensed real estate salesman within the five years
24 immediately prior to application;

25 * Sec. 11. AS 08.88.211(a)(2) and (5) are repealed.

26 * Sec. 12. AS 08.88.211(b)(2) and (4) are repealed.

27 * Sec. 13. AS 08.88.221(a) is amended to read:

28 (a) The following fees shall be charged a real estate broker
29 or associate broker licensee or applicant when applicable

- 1 (1) examination..... \$ 50
- 2 (2) reciprocity..... 50
- 3 (3) initial license..... 100
- 4 (4) biennial renewal -- active license..... 100
- 5 (5) biennial renewal -- inactive license..... 25

6 * Sec. 14. AS 08.88.221(b) is amended to read:

7 (b) The following fees shall be charged a [AN ASSOCIATE BROKER,
8 OR] salesman [,] licensee or applicant when applicable

- 9 (1) examination..... \$50 [\$25]
- 10 (2) reciprocity..... 50 [25]
- 11 (3) initial license..... 50
- 12 (4) biennial renewal -- active license..... 50
- 13 (5) biennial renewal -- inactive license..... 25.

14 * Sec. 15. AS 08.88.241 is amended to read:

15 Sec. 08.88.241. REINSTATEMENT OF LAPSED LICENSE. A licensee who
16 was required to take an examination before receiving a license and whose
17 license has lapsed for more than one year [THREE YEARS] shall be required
18 to be re-examined before reinstatement.

19 * Sec. 16. AS 08.88.291 is amended to read:

20 Sec. 08.88.291. LOCATION. A licensed real estate broker shall
21 inform the commission of his principal office and of any branch offices
22 he has. He and the associate real estate brokers and real estate
23 salesmen he employs may do business only in or out of his principal
24 office and his branch offices. Failure of a real estate broker to
25 maintain a place of business or inform the department of its location
26 and the names and addresses of all licensees employed at the location
27 are grounds for the suspension or revocation of his broker license
28 [THE DEPARTMENT SHALL PRINT THE LOCATION OF THE PRINCIPAL OFFICE AND
29 BRANCH OFFICES AT WHICH A PERSON MAY DO BUSINESS IN THE PERSON'S

1 LICENSE CERTIFICATE].

2 * Sec. 17. AS 08.88.301 is amended to read:

3 Sec. 08.88.301. CHANGE OF LOCATION. If a real estate broker
4 changes the location of his principal office or of a branch office, he
5 shall immediately notify the department [AND SEND TO THE DEPARTMENT HIS
6 AND HIS EMPLOYEES' LICENSES. THE DEPARTMENT SHALL ISSUE NEW LICENSES
7 REFLECTING THE CHANGE].

8 * Sec. 18. AS 08.88.311 is amended to read:

9 Sec. 08.88.311. BRANCH OFFICES. (a) If a branch office is not
10 within a 10-mile [25-MILE] radius of the principal office, the real
11 estate broker shall employ an associate real estate broker to be in
12 charge of it.

13 (b) All branch offices shall bear and be advertised only in the
14 name of the principal office but may indicate that they are branch
15 offices of the principal office.

16 * Sec. 19. AS 08.88.351 is amended by adding a new paragraph to read:

17 (4) make available to the commission, on request, records
18 and all other documents relating to transactions under (3) of this
19 section which the commission may require in order to conduct a complete
20 audit of trust accounts.

21 * Sec. 20. AS 08.88.401(b) is amended to read:

22 (b) No person, even though he is an obligor or escrow holder,
23 may pay or deliver compensation to a person who is not licensed in this
24 state or who does not hold a valid broker license in another state
25 [UNDER THIS CHAPTER] for doing work for which a license is required
26 under this chapter. [A CURRENT LICENSE CERTIFICATE OR POCKET RECOGNI-
27 TION CARD ISSUED BY THE COMMISSION IS SUFFICIENT PROOF TO RELIEVE THE
28 PERSON FROM CRIMINAL RESPONSIBILITY UNDER THIS SECTION.]
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