

Introduced: 2/13/79  
Referred: Commerce and  
Judiciary

1 IN THE SENATE

BY BENNETT BY REQUEST

2 SENATE BILL NO. 212

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

9 \* Section 1. AS 08.88.071(a) is amended by adding a new paragraph to  
10 read:

11 (6) issue a temporary permit to the executor, administrator,  
12 or personal representative of the estate of a deceased broker or to some  
13 other person designated by the commission in order to secure proper  
14 administration in concluding the affairs of decedent broker's real  
15 estate business.

16 \* Sec. 2. AS 08.88.091 is amended to read:

17 Sec. 08.88.091. EDUCATION. (a) The commission shall establish  
18 [MAY CONDUCT] and assist in conducting real estate clinics, meetings,  
19 courses, or institutes. The commission shall [MAY] assist [LIBRARIES  
20 AND] educational institutions in sponsoring studies and programs for the  
21 purpose of raising the standards of the real estate business and the  
22 competency of licensees.

23 \* Sec. 3. AS 08.88.091 is amended by adding a new subsection to read:

24 (b) The commissioner of commerce and economic development shall  
25 assign staff to carry out the requirements of this section.

26 \* Sec. 4. AS 08.88.171(a) is amended to read:

27 (a) A person is entitled to a real estate broker license if he has  
28 been a resident of the state for 90 days and if he applies for his  
29 license within six months after the date he completed the real estate

1 examination, furnishes satisfactory proof that he has successfully com-  
2 pleted all educational requirements [RECEIPT OF NOTICE THAT HE HAS  
3 PASSED THE REAL ESTATE EXAMINATION, FILES THE REQUIRED BOND], and is an  
4 owner of a real estate business or employed as a real estate broker by a  
5 corporation or a partnership, if the corporation or partnership does not  
6 have an existing licensed broker. Unless he fails to pay the biennial  
7 renewal fee or his license is suspended or revoked under AS 08.88.071-  
8 (3), a real estate broker's license continues in effect so long as he is  
9 an owner of a real estate business, or he is employed as a real estate  
10 broker by a corporation or a partnership. If he stops being an owner of  
11 a real estate business, or stops being employed as a real estate broker  
12 by a corporation or partnership, his license is suspended from the time  
13 he stops until

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

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

20 \* Sec. 5. AS 08.88.171(b) is amended to read:

21 (b) A person is entitled to an associate real estate broker li-  
22 cense if he has been a resident of the state for 90 days and if he  
23 passes the real estate examination, applies for his license within six  
24 months after the date he completed the real estate examination, fur-  
25 nishes satisfactory proof that he has successfully completed all educa-  
26 tional requirements [RECEIPT OF NOTICE THAT HE HAS PASSED THE EXAM-  
27 INATION, FILES THE REQUIRED BOND], and is employed by a licensed real  
28 estate broker. Unless he fails to pay the biennial renewal fee or his  
29 license is suspended or revoked under AS 08.88.071(3), an associate real

1 estate broker's license continues in effect so long as he is employed by  
2 a licensed real estate broker. If he stops being employed by a licensed  
3 real estate broker, his license is suspended from the time he stops  
4 until

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

6 (2) he becomes an owner of a real estate business, in which  
7 case his associate real estate broker license is returned to the depart-  
8 ment, and the department issues him a real estate broker license.

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

10 (c) A person is entitled to a real estate salesman license if he  
11 has been a resident of the state for 90 days and if he passes the real  
12 estate salesman examination, applies for his license within six months  
13 after the date he completed the real estate examination, furnishes  
14 satisfactory proof that he has successfully completed all educational  
15 requirements [RECEIPT OF NOTICE THAT HE HAS PASSED THE EXAMINATION,  
16 FILES THE REQUIRED BOND], and is employed by a real estate broker.  
17 Unless he fails to pay the biennial renewal fee or his license is sus-  
18 pended or revoked under AS 08.88.071(3), a real estate salesman's l  
19 icense continues in effect so long as he is employed by a licensed real  
20 estate broker, his license is suspended from the time he stops until he  
21 again is employed by a licensed real estate broker.

22 \* Sec. 7. AS 08.88.211(a)(4) is amended to read:

23 (4) has not been convicted of forgery, embezzlement, obtain-  
24 ing money under false pretenses, larceny, extortion, conspiracy to de  
25 fraud or similar offense or of a felony involving moral turpitude within  
26 the past 10 years, is not under indictment for fraud or embezzlement and  
27 has not engaged in conduct that demonstrates that he is unfit to be a  
28 real estate broker;

29 \* Sec. 8. AS 08.88.211(b)(3) is amended to read:

1 (3) has not been convicted of forgery, embezzlement, obtain-  
2 ing money under false pretenses, larceny, extortion, conspiracy to de-  
3 fraud or similar offense or of a felony involving moral turpitude within  
4 the past 10 years, is not under indictment for fraud or embezzlement and  
5 has not engaged in conduct that demonstrates that he is unfit to be a  
6 real estate salesman;

7 \* Sec. 9. AS 08.88.241 is amended to read:

8 Sec. 08.88.241. REINSTATEMENT OF LAPSED LICENSE. A licensee who  
9 was required to take an examination before receiving a license and whose  
10 license has lapsed for more than six months [THREE YEARS] shall be  
11 re-examined before reinstatement.

12 \* Sec. 10. AS 08.88.251(b) is amended to read:

13 (b) An inactive licensee may not do anything authorized by [ANY OF  
14 THE THINGS] AS 08.88.161 for [AUTHORIZES] an active licensee [TO DO, NOR  
15 IS HE REQUIRED TO HAVE A BOND].

16 \* Sec. 11. AS 08.88.251(c) is amended to read:

17 (c) A person who is inactive may become active by applying for an  
18 active license and paying the required fees [BY RETURNING TO THE DEPART-  
19 MENT HIS INACTIVE LICENSE CERTIFICATE, THE ACTIVE LICENSE BIENNIAL  
20 RENEWAL FEE, IF HE BECOMES ACTIVE MORE THAN FIVE MONTHS BEFORE JANUARY 1  
21 FOLLOWING, AND A COMPLETED FORM PROVIDED BY THE DEPARTMENT]. In the  
22 application form he shall state the date on which he intends to become  
23 active. His active status begins on the date stated. The department  
24 shall send him a license certificate. A person is entitled to change  
25 from an inactive to an active status without examination if he has not  
26 been inactive more than three years. If he has been inactive more than  
27 three years, he is required to take an examination.

28 \* Sec. 12. AS 08.88. is amended by adding a new section to read:

29 Sec. 08.88.263. RECIPROCITY. A person who holds a valid active

1 real estate license issued by another state shall be granted an equiva-  
2 lent Alaska real estate license if he

3 (1) passes the portion of the real estate examination which  
4 examines on Alaska law; and

5 (2) meets the requirements of AS 08.88.171 and 08.88.211.

6 \* Sec. 13. AS 08.88.361 is amended to read:

7 Sec. 08.88.361. WHEN COMMISSION IS EARNED. A commission is earned  
8 when the real estate broker fulfills the terms of a written employment  
9 agreement [FINDS A BUYER WILLING AND ABLE TO PURCHASE AT A PRICE AND ON  
10 TERMS SET BY THE SELLER, PROVIDING NEGOTIATIONS WITH THE BUYER WERE  
11 INITIATED DURING THE TERM OF A VALID LISTING AGREEMENT AND WITHIN THE  
12 TIME LIMIT OF THE LISTING].

13 \* Sec. 14. AS 08.88.261 is repealed.  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29