

Original sponsor: Bennett by request

Offered: 3/17/79
Referred: Judiciary

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 CS FOR 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 08.88.171(a) is amended to read:

24 (a) A person is entitled to a real estate broker license if he has
25 been a resident of the state for 90 days and if he applies for his
26 license within six months after the date he completed the real estate
27 examination, furnishes satisfactory proof that he has successfully com-
28 pleted all educational requirements [RECEIPT OF NOTICE THAT HE HAS
29 PASSED THE REAL ESTATE EXAMINATION, FILES THE REQUIRED BOND], and is an

1 owner of a real estate business or employed as a real estate broker by a
2 corporation or a partnership, if the corporation or partnership does not
3 have an existing licensed broker. Unless he fails to pay the biennial
4 renewal fee or his license is suspended or revoked under AS 08.88.071-
5 (3), a real estate broker's license continues in effect so long as he is
6 an owner of a real estate business, or he is employed as a real estate
7 broker by a corporation or a partnership. If he stops being an owner of
8 a real estate business, or stops being employed as a real estate broker
9 by a corporation or partnership, his license is suspended from the time
10 he stops until

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

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

17 * Sec. 4. AS 08.88.171(b) is amended to read:

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

6 * Sec. 5. 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 the date he completed the real estate examination, furnishes
11 satisfactory proof that he has successfully completed all educational
12 requirements [RECEIPT OF NOTICE THAT HE HAS PASSED THE EXAMINATION,
13 FILES THE REQUIRED BOND], and is employed by a real estate broker.
14 Unless he fails to pay the biennial renewal fee or his license is sus-
15 pended or revoked under AS 08.88.071(3), a real estate salesman's l
16 icense continues in effect so long as he is employed by a licensed real
17 estate broker, his license is suspended from the time he stops until he
18 again is employed by a licensed real estate broker.

19 * Sec. 6. AS 08.88.211(a)(4) is amended to read:

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

26 * Sec. 7. AS 08.88.211(b)(3) is amended to read:

27 (3) has not been convicted of forgery, embezzlement, obtain-
28 ing money under false pretenses, larceny, extortion, conspiracy to de-
29 fraud or similar offense or of a felony involving moral turpitude within

1 the past 10 years, is not under indictment for fraud or embezzlement and
2 has not engaged in conduct that demonstrates that he is unfit to be a
3 real estate salesman;

4 * Sec. 8. AS 08.88.241 is amended to read:

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

9 * Sec. 9. AS 08.88.251(b) is amended to read:

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

13 * Sec. 10. AS 08.88.251(c) is amended to read:

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

25 * Sec. 11. AS 08.88. is amended by adding a new section to read:

26 Sec. 08.88.263. LICENSE BY ENDORSEMENT. A person who holds a
27 valid active real estate license issued by another state shall be
28 granted an equivalent Alaska real estate license if he

29 (1) passes the portion of the real estate examination which

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examines on Alaska law; and

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

* Sec. 12. AS 08.88.361 is amended to read:

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

* Sec. 13. AS 08.88.261 is repealed.