

Original sponsor: Brown by request

Offered: 4/16/81  
Referred: Rules

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 147 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH 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 08.88.071(b) is amended to read:

9 (b) When an award is made from the real estate surety fund under  
10 this chapter in reimbursement of losses suffered by a claimant as a  
11 result of fraud, misrepresentation, deceit or conversion of trust funds  
12 on the part of a licensed broker, associate broker, or salesman, and  
13 the commission after a hearing has suspended the license of the broker,  
14 associate broker or salesman under this section, the broker, associate  
15 broker or salesman may not be reinstated until he has repaid the real  
16 estate surety fund the amount of an award made under AS 08.88.470 or  
17 until the commission has deposited in the real estate surety fund money  
18 realized by the commission in an action under AS 08.88.490 in an amount  
19 equal to the award. However, if the license of a broker, associate  
20 broker, or salesman is not revoked or suspended after a hearing under  
21 this section, the broker, associate broker, or salesman is not required  
22 to repay the amount of any award which was based on the facts con-  
23 sidered at that hearing.

24 \* Sec. 2. AS 08.88.131 is amended to read:

25 Sec. 08.88.131. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE  
26 ACT. The Administrative Procedure Act (AS 44.62) applies to regulations  
27 and proceedings under this chapter except for the adjudication of  
28 surety fund claims under AS 08.88.450 - 08.88.500.

29 \* Sec. 3. AS 08.88.221(a)(2) is amended to read:

1 (2) reciprocity. . . . . .100 [50]

2 \* Sec. 4. AS 08.88.221(a)(5) is amended to read:

3 (5) biennial renewal -- inactive license . . . . . .100 [25]

4 \* Sec. 5. AS 08.88.221(b) is amended to read:

5 (b) The following fees shall be charged a salesman licensee or  
6 applicant when applicable:

7 (1) examination. . . . . 50

8 (2) reciprocity. . . . . .100 [50]

9 (3) initial license. . . . . .100 [50]

10 (4) biennial renewal -- active license . . . . . .100 [50]

11 (5) biennial renewal -- inactive license . . . . . .100 [25]

12 \* Sec. 6. AS 08.88 is amended by adding a new section to read:

13 Sec. 08.88.255. RENEWAL OF LICENSES. (a) A license authorized  
14 under this chapter shall be renewed biennially on the date set by the  
15 commission.

16 (b) A license which is not renewed by the date set by the commis-  
17 sion lapses. A penalty of \$10 shall be charged in addition to all  
18 delinquent renewal fees for the reinstatement of a license which has  
19 lapsed for more than 60 days.

20 \* Sec. 7. AS 08.88.361 is amended to read:

21 Sec. 08.88.361. WHEN COMMISSION OR FEE IS EARNED. A commission  
22 or fee is earned when the real estate broker fulfills the terms of a  
23 written personal services contract.

24 \* Sec. 8. AS 08.88 is amended by adding a new section to article 3 to  
25 read:

26 Sec. 08.88.395. PENALTY FOR IMPROPER PAYMENT. An applicant or  
27 licensee shall pay a penalty of \$10 each time a negotiable instrument  
28 is presented to the ~~commission~~ in payment of an amount due and payment  
29 is subsequently refused by the named payor.

1 \* Sec. 9. AS 08.88.490 is amended by adding a new subsection to read:

2 (b) When an award is made from the real estate surety fund for  
3 reimbursement of losses suffered by a claimant, and the commission  
4 after hearing has suspended or revoked the license of the broker,  
5 associate broker, or salesman under AS 08.88.071(b), the commission may  
6 apply to the superior court to confirm the award. Upon granting an  
7 order confirming an award, a judgment or decree shall be entered in  
8 conformity with the award and may be enforced as any other judgment or  
9 decree.

10 \* Sec. 10. AS 08.88 is amended by adding a new section to read:

11 Sec. 08.88.497. RECOVERY OF AWARDS IMPROPERLY MADE. If the  
12 commission finds that the facts constituting the grounds for an award  
13 made to a claimant under AS 08.88.450 - 08.88.500 do not constitute  
14 grounds for suspension or revocation of a license under AS 08.88.071(a)-  
15 (3) in a hearing held under AS 08.88.071(a)(3) subsequent to the award,  
16 the state has a cause of action against the claimant in the amount of  
17 the award. The action may be instituted in the name of the state by  
18 the attorney general to recover the amount paid to the person, with  
19 interest, together with the necessary costs of the action.

20 \* Sec. 11. AS 44.62.330(a)(14) is amended to read:

21 (14) Real Estate Commission except for adjudications of  
22 surety fund claims under AS 08.88.450 - 08.88.500

23 \* Sec. 12. AS 08.88.261 is repealed.  
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