

Original sponsor: Labor and Commerce  
Committee

Offered: 4/18/82  
Referred: Rules

1 IN THE SENATE

BY THE LABOR AND  
COMMERCE COMMITTEE

2

HOUSE CS FOR SENATE BILL NO. 816 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act continuing the existence of the Real Estate  
7 Commission and amending the statutes relating to the  
8 commission's responsibilities and the real estate  
9 surety fund; and providing for an effective date."

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

11 \* Section 1. AS 08.03.010(c)(18) is amended to read:

12 (18) Real Estate Commission (AS 08.88.011) -- June 30, 1986  
13 [1982].

14 \* Sec. 2. AS 08.88.071(b) is amended to read:

15 (b) When an award is made from the real estate surety fund under  
16 this chapter in reimbursement of losses suffered by a claimant as a  
17 result of fraud, misrepresentation, deceit or conversion of trust funds  
18 on the part of a licensed broker, associate broker, or salesman, and the  
19 commission after a hearing has suspended the license of the broker,  
20 associate broker or salesman under this section, the broker, associate  
21 broker or salesman may not be reinstated until he has repaid the real  
22 estate surety fund the amount of an award made under AS 08.88.470 and  
23 costs of a hearing held under this section or under AS 08.88.465 or  
24 until the commission has deposited in the real estate surety fund money  
25 realized by the commission in an action under AS 08.88.490 in an amount  
26 equal to the award.

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

28 (a) The following fees shall be imposed under this chapter [CHARGED  
29 A REAL ESTATE BROKER OR ASSOCIATE BROKER LICENSEE OR APPLICANT] when

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applicable:

- (1) examination ..... \$ 50
- (2) reciprocity ..... 100 [50]
- (3) initial license ..... 100
- (4) [BIENNIAL] renewal - active license ..... 100
- (5) [BIENNIAL] renewal - inactive license .... 50 [25]
- (6) amendment or transfer of license ..... 5

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

(d) If the commission contracts with a national testing service to prepare, administer and grade examinations, the examination fee charged under (a)(1) [OR (b)(1)] of this section which the applicant is required to pay to the commission shall be reduced by the amount of the fee charged the applicant by the national testing service for the examination.

\* Sec. 4. AS 08.88.401 is repealed and reenacted to read:

Sec. 08.88.401. PROHIBITED CONDUCT. (a) A person licensed under this chapter may not falsely represent that he has been awarded a degree or other designation or that he is a member or an affiliate of a professional organization.

(b) A person

(1) who is not a real estate broker licensed in this state may not accept a fee or a commission for performance of an act for which a license is required by this chapter except that a real estate broker validly licensed in another state may accept a fee or commission or a portion of a fee or commission for assisting a real estate broker licensed in this state in the performance of an act for which a license is required by this chapter;

(2) who is a real estate salesman licensed in this state may not accept a fee or commission for performance of an act for which a

1 license is required by this chapter unless acceptance is authorized by  
2 the broker who employs the salesman.

3 (c) A person may not knowingly make, authorize, direct, or aid in  
4 the publication of a false statement or misrepresentation concerning  
5 land or a subdivision or other real estate offered for sale or lease.

6 (d) A person who violates a provision of this section or of  
7 AS 08.88.161 is guilty of a class A misdemeanor.

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

9 Sec. 08.88.472. HEARING COSTS. (a) When an award is made from  
10 the real estate surety fund under AS 08.88.470, the commission may  
11 charge to the fund the costs of a hearing held under AS 08.88.071 or  
12 08.88.465. Amounts subsequently recovered by the commission for these  
13 costs from the licensee under AS 08.88.071(b) or from other parties  
14 under AS 08.88.490 shall be deposited to the real estate surety fund.

15 (b) An amount charged to the fund by the commission for costs  
16 under (a) of this section may not be considered in determining the  
17 maximum reimbursement to be awarded under AS 08.88.470 or in determining  
18 the maximum liability of the real estate surety fund under AS 08.88.475.

19 \* Sec. 7. AS 08.88.221(b) and (c) are repealed.

20 \* Sec. 8. This Act takes effect immediately in accordance with AS 01.10.-  
21 070(c).

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