

Introduced: 4/18/89  
Referred: Labor and Commerce  
and Finance

6-1125E

1 IN THE SENATE

BY STURGULEWSKI

2

SENATE BILL NO. 288

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the Real Estate Commission; and  
providing for an effective date."

7

8

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

9

\* Section 1. AS 08.88.081 is amended to read:

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Sec. 08.88.081. COMMISSION REGULATIONS. The commission shall

11

adopt regulations necessary to carry out the purposes of this chapter

12

[PERTAINING TO THE RESPONSIBILITIES OF PERSONS LICENSED UNDER THIS

13

CHAPTER AND THE GROUNDS FOR REVOKING OR SUSPENDING A LICENSE].

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\* Sec. 2. AS 08.88.091 is amended by adding new subsections to read:

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(b) An applicant for licensure under this chapter must complete

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20 hours of education approved by the commission before the person may

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be licensed under this chapter.

18

(c) A person who is licensed under this chapter must complete 42

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hours of continuing education approved by the commission before the

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person's license may be renewed.

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(d) The commission may not approve an education or continuing

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education course required under this section unless the commission

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certifies the course outlined and approves the instructor of the

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course before the course is conducted.

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\* Sec. 3. AS 08.88.171(a) is amended to read:

26

(a) A person is eligible for [ENTITLED TO] a real estate broker

27

license if the person passes the real estate brokers examination, if

28

the person applies for a license within six months after the person

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has taken the real estate brokers examination, if the person furnishes

1 satisfactory proof of successful completion of the education require-  
2 ments of AS 08.88.091, if the person has had at least 24 months of  
3 active and continuous experience as a licensed real estate salesman,  
4 if the person is not under indictment for, or seven years have elapsed  
5 since the person has completed a sentence imposed upon conviction of,  
6 forgery, theft, extortion, conspiracy to defraud creditors, or any  
7 other felony involving moral turpitude, and if the person is an owner  
8 of a real estate business or employed as a real estate broker by a  
9 corporation or a partnership, and if that corporation or partnership  
10 does not have an existing licensed broker. Unless the broker fails to  
11 pay the biennial renewal fee or unless the broker's license is sus-  
12 pending or revoked under AS 08.88.071(a)(3), the real estate broker's  
13 license continues in effect so long as the broker is an owner of a  
14 real estate business, or the broker is employed as a real estate  
15 broker by a corporation or a partnership. If the broker stops being  
16 an owner of a real estate business, or stops being employed as a real  
17 estate broker by a corporation or partnership, the broker's license is  
18 suspended from the time the broker stops until

19 (1) the broker again becomes an owner of a real estate  
20 business or is again employed as a real estate broker by a corporation  
21 or a partnership; or

22 (2) the broker is employed by a licensed real estate broker  
23 as an associate real estate broker, in which case the real estate  
24 broker license is returned to the commission, and the commission  
25 issues the broker an associate real estate broker license.

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

27 (b) A person is eligible for [ENTITLED TO] an associate real  
28 estate broker license if the person passes the real estate brokers  
29 examination, if the person applies for a license within six months

1 after the person has taken the examination, if the person submits  
2 satisfactory proof of successful completion of the education require-  
3 ments of AS 08.88.091, if the person has had at least 24 months of  
4 active and continuous experience as a licensed real estate salesman,  
5 if the person is not under indictment for, or five years have elapsed  
6 since the person has completed a sentence imposed upon conviction of,  
7 forgery, theft, extortion, conspiracy to defraud creditors, or any  
8 other felony involving moral turpitude, and if the person is employed  
9 by a licensed real estate broker as an associate real estate broker.  
10 Unless the associate broker fails to pay the biennial renewal fee or  
11 unless the associate broker's license is suspended or revoked under  
12 AS 08.88.071(a)(3), the associate real estate broker's license contin-  
13 ues in effect so long as the associate broker is employed by a  
14 licensed real estate broker as an associate broker. If the associate  
15 broker stops being employed by a licensed real estate broker, the  
16 associate broker's license is suspended from the time the associate  
17 broker stops until

18 (1) the associate broker again is employed by a real estate  
19 broker as an associate broker; or

20 (2) the associate broker becomes an owner of a real estate  
21 business, in which case the associate broker's associate real estate  
22 broker license is returned to the commission, and the commission  
23 issues the associate broker a real estate broker license.

24 \* Sec. 5. AS 08.88.171(c) is amended to read:

25 (c) A person is eligible for [ENTITLED TO] a real estate sales-  
26 man license if the person passes the real estate salesman examination,  
27 if the person applies for a license within six months after the person  
28 has taken the examination, if the person submits satisfactory proof of  
29 successful completion of the education requirements of AS 08.88.091,

1 if the person is at least 19 years old, if the person is not under  
2 indictment for forgery, theft, extortion, conspiracy to defraud credi-  
3 tors, or any other felony involving moral turpitude, or, if convicted  
4 of such an offense, the person has completed the sentence imposed upon  
5 conviction, and if the person is employed by a real estate broker.  
6 Unless the salesman fails to pay the biennial renewal fee or unless  
7 the real estate salesman's license is suspended or revoked under  
8 AS 08.88.071(a)(3), a real estate salesman's license continues in  
9 effect so long as the salesman is employed as a salesman by a licensed  
10 real estate broker. If the salesman stops being employed as a real  
11 estate salesman, the real estate salesman's license is suspended from  
12 the time the salesman stops until the salesman again is employed as a  
13 salesman by a licensed real estate broker.

14 \* Sec. 6. AS 08.88.251(c) is amended to read:

15 (c) A person who is inactive may become active by applying for  
16 an active license and paying the required fees. In the application  
17 form the person shall state the date on which the person intends to  
18 become active. The person's active status begins on the date stated.  
19 The commission shall send the person a license certificate. A person  
20 is eligible for [ENTITLED TO] change from an inactive to an active  
21 status without examination if the person has not been inactive more  
22 than two [THREE] years. If the person has been inactive more than two  
23 [THREE] years, the person is required to take an examination.

24 \* Sec. 7. AS 08.88.261 is amended to read:

25 Sec. 08.88.261. OUT-OF-STATE LICENSES. A person who holds a  
26 valid, active license from another state that [WHICH] grants an equiv-  
27 alent right to Alaskan licensees is eligible for [ENTITLED TO] a  
28 license of the kind the person holds there without examination if the  
29 person

Introduced...  
Enacted...  
Labor and...  
as the...  
1 (1) meets the requirements of AS 08.88.171 and files the  
2 required bond;  
3 (2) passed an examination in the other state; and  
4 (3) has actively practiced the person's profession for at  
5 least five out of the previous six years before filing an application.  
6 \* Sec. 8. AS 08.88.091(b), as enacted by sec. 2 of this Act, and secs.  
7 3 - 5 of this Act take effect January 1, 1990.  
8 \* Sec. 9. AS 08.88.091(c), as enacted by sec. 2 of this Act, takes  
9 effect January 1, 1991.  
10 \* Sec. 10. Except as provided in secs. 8 and 9 of this Act, this Act  
11 takes effect immediately under AS 01.10.070(c).