

Introduced: 1/23/90  
Referred: Labor and Commerce

6-1125J

BY SEN. STURGULEWSKI

1 IN THE SENATE

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 288

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

10 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].

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

15 (b) An applicant for licensure under AS 08.88.171(c) must com-  
16 plete 20 hours of education approved by the commission before the  
17 person may be licensed under that subsection.

18 (c) An applicant for licensure under AS 08.88.171(a) or (b) must  
19 complete 15 hours of education approved by the commission before the  
20 person may be licensed under either of those subsections.

21 (d) A person who is licensed under this chapter must complete 20  
22 hours of continuing education approved by the commission before the  
23 person's license may be renewed.

24 (e) The commission may not approve an education or continuing  
25 education course required under this section unless the commission  
26 certifies the course outline and approves the instructor of the course  
27 before the course is conducted.

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

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

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

22 (1) the broker again becomes an owner of a real estate  
23 business or is again employed as a real estate broker by a corporation  
24 or a partnership; or

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

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

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

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

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

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

28 (c) A person is eligible for [ENTITLED TO] a real estate sales-  
29 man license if the person passes the real estate salesman examination,

1 if the person applies for a license within six months after the person  
2 has taken the examination, if the person submits satisfactory proof of  
3 successful completion of the education requirements of AS 08.88.-  
4 091, if the person is at least 19 years old, if the person is not  
5 under indictment for forgery, theft, extortion, conspiracy to defraud  
6 creditors, or any other felony involving moral turpitude, or, if  
7 convicted of such an offense, the person has completed the sentence  
8 imposed upon conviction, and if the person is employed by a real  
9 estate broker. Unless the salesman fails to pay the biennial renewal  
10 fee or unless the real estate salesman's license is suspended or  
11 revoked under AS 08.88.071(a)(3), a real estate salesman's license  
12 continues in effect so long as the salesman is employed as a salesman  
13 by a licensed real estate broker. If the salesman stops being employ-  
14 ed as a real estate salesman, the real estate salesman's license is  
15 suspended from the time the salesman stops until the salesman again is  
16 employed as a salesman by a licensed real estate broker.

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

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

27 \* Sec. 7. AS 08.88.261 is repealed.

28 \* Sec. 8. AS 08.88.091(b), as enacted by sec. 2 of this Act, and secs.  
29 3 - 5 of this Act take effect January 1, 1991.

1 \* Sec. 9. AS 08.88.091(c), as enacted by sec. 2 of this Act, takes  
2 effect July 1, 1991.

3 \* Sec. 10. AS 08.88.091(d), as enacted by sec. 2 of this Act, takes  
4 effect January 1, 1992.

5 \* Sec. 11. Except as provided in secs. 8 - 10 of this Act, this Act  
6 takes effect immediately under AS 01.10.070(c).