

HOUSE CS FOR SENATE BILL NO. 158(L&C) am H
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Amended: 4/16/16

Offered: 4/15/16

Sponsor(s): SENATE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to real estate broker licensure; relating to the Real Estate Commission;**
2 **relating to errors and omissions insurance for real estate licensees; and providing for an**
3 **effective date."**

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

5 *** Section 1.** AS 08.88.091(c) is amended to read:

6 (c) An applicant for licensure under AS 08.88.171(a) or (b) shall [MUST]
7 complete 30 [15] hours of education approved by the commission before the person
8 may be licensed under either of those subsections.

9 *** Sec. 2.** AS 08.88.171(a) is amended to read:

10 (a) A natural person qualifies for a real estate broker license if the person
11 passes the brokers examination, applies for a license within six months after passing
12 the examination, furnishes satisfactory proof of successful completion of the education
13 requirements of AS 08.88.091, has had at least 36 [24] months of active and
14 continuous experience as a real estate licensee within the 60 [36] months immediately

1 preceding application for the broker license, is not under indictment for or seven years
 2 have elapsed since the person has completed a sentence imposed upon conviction of a
 3 felony or other crime that, in the judgment of the commission, affects the person's
 4 ability to practice as a real estate broker competently and safely or upon conviction of
 5 forgery, theft, extortion, conspiracy to defraud creditors, or fraud, and is an owner of a
 6 real estate business or employed as a real estate broker by a foreign or domestic
 7 corporation, partnership, limited partnership, or limited liability company. Unless the
 8 broker fails to satisfy the educational requirements of AS 08.88.095 or renew the
 9 license, or the broker's license is suspended or revoked, the broker's license continues
 10 in effect as long as the broker's license is active. If the broker stops being an owner of
 11 a real estate business or stops being employed as a real estate broker by a foreign or
 12 domestic corporation, partnership, limited partnership, or limited liability company,
 13 the broker's license is suspended from the time the broker stops until the broker
 14 satisfies the educational requirements of AS 08.88.098 and

15 (1) again becomes an owner of a real estate business or is again
 16 employed as a real estate broker by a foreign or domestic corporation, partnership,
 17 limited partnership, or limited liability company; or

18 (2) is employed by another broker as an associate broker, in which
 19 case the real estate broker license shall be returned to the commission by the broker,
 20 and the commission shall issue the broker an associate real estate broker license.

21 * **Sec. 3.** AS 08.88.171(b) is amended to read:

22 (b) A natural person qualifies for an associate real estate broker license if the
 23 person passes the brokers examination, applies for the license within six months after
 24 passing the examination, submits satisfactory proof of successful completion of the
 25 education requirements of AS 08.88.091, has had at least **36** [24] months of active and
 26 continuous experience as a real estate licensee within the **60** [36] months immediately
 27 preceding application for the license, furnishes satisfactory proof that errors and
 28 omissions insurance required under AS 08.88.172 has been obtained, is not under
 29 indictment for or seven years have elapsed since the person has completed a sentence
 30 imposed upon conviction of a felony or other crime that, in the judgment of the
 31 commission, affects the person's ability to practice as an associate real estate broker

1 competently and safely or upon conviction of forgery, theft, extortion, conspiracy to
 2 defraud creditors, or fraud, and is employed by a licensed real estate broker as an
 3 associate real estate broker. Unless the associate broker fails to satisfy the educational
 4 requirements of AS 08.88.095 or renew the license, or the associate broker's license is
 5 suspended or revoked, the associate broker's license continues in effect as long as the
 6 associate broker is employed by a licensed real estate broker as an associate broker. If
 7 the associate broker stops being employed by a licensed real estate broker, the
 8 associate broker's license is suspended from the time the associate broker stops until
 9 the associate broker satisfies the educational requirements of AS 08.88.098 and

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

11 (2) becomes an owner of a real estate business or is employed as a real
 12 estate broker by a foreign or domestic corporation, partnership, limited partnership, or
 13 limited liability company, in which case the associate broker's license shall be returned
 14 to the commission by the associate broker, and the commission shall issue the licensee
 15 a broker's license.

16 * **Sec. 4.** AS 08.88.172(e) is repealed.

17 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
 18 read:

19 APPLICABILITY. (a) AS 08.88.091(c), as amended by sec. 1 of this Act, applies to
 20 applications for a real estate broker license under AS 08.88.171(a) or (b) submitted on or after
 21 the effective date of sec. 1 of this Act.

22 (b) AS 08.88.171(a) and (b), as amended by secs. 2 and 3 of this Act, apply to
 23 applications for a real estate broker license under AS 08.88.171(a) or (b) or 08.88.241(b)
 24 submitted on or after the effective date of secs. 2 and 3 of this Act.

25 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
 26 read:

27 TRANSITIONAL PROVISION: REGULATIONS. The Real Estate Commission may
 28 adopt regulations necessary to implement the changes made by this Act. The regulations take
 29 effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the
 30 law implemented by the regulation.

31 * **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

- 1 * **Sec. 8.** Sections 1 and 5(a) of this Act take effect January 1, 2017.
- 2 * **Sec. 9.** Sections 2 - 4 and 5(b) of this Act take effect January 1, 2018.