

**Oklahoma Real Estate Commission
Emergency Rules Effective November 1, 2008**

**CHAPTER 10. REQUIREMENTS, STANDARDS AND PROCEDURES
SUBCHAPTER 7. LICENSING PROCEDURES AND OPTIONS**

605:10-7-9. Nonresident licensing

(a) **Nonresident licensed in another state.** A nonresident applicant may apply to the Commission for a license to operate as a nonresident by submitting all appropriate documents as required by the Commission and furnish evidence that the applicant possesses a current active license in their resident state or another state in which the applicant has qualified for a license. All nonresidents shall be required to complete the appropriate examination as required by the Commission. If, in the opinion of the Commission, there is question as to the competence of the nonresident applicant, such individual ~~may shall~~ be required to successfully complete additional educational courses ~~and/or the Oklahoma examination.~~ No inactive license experience may be credited to qualify under this Section. The Commission, at its discretion, may issue a nonresident license if, in the opinion of the Commission, such nonresident has qualified and maintains a license in another state and meets the following qualifications:

(1) A nonresident applicant who has been actively licensed as a sales associate or broker respectively for a minimum of two (2) years out of the previous five (5) years.

(A) A nonresident applicant that applies under this paragraph must complete and submit the following:

(i) Appropriate application ~~along with application fee.~~

(ii) Certificate of licensure from the state(s) in which the applicant has held and/or currently holds a license.

(iii) Examination fee and successfully complete the state law portion of the examination.

(B) Upon the Commission granting approval to the nonresident applicant for licensure in this state, the applicant must complete and submit the following:

(i) Appropriate license application form(s) along with license and education and recovery fund fees.

(ii) Consent for service of jurisdiction form.

(2) A nonresident applicant who has been actively licensed less than two (2) years as a sales associate or broker respectively out of the previous five (5) years must successfully complete the appropriate examination.

(A) A nonresident applicant applying under this paragraph must complete and submit the following:

(i) Appropriate application ~~along with examination fee.~~

(ii) Certificate of licensure from the state(s) in which the applicant has held and/or currently holds a license.

(iii) ~~Successfully~~ Examination fee and successfully complete the entire appropriate examination.

(B) Upon the Commission granting approval to the nonresident applicant for licensure in this state, the applicant must complete and submit the following:

(i) Appropriate license application form(s) along with license and education and recovery fund fees.

(ii) Consent for service of jurisdiction form.

(b) **Nonresident agreement.** The Commission may enter into a nonresident agreement with another state and thereby qualify actively licensed nonresident applicants for licensing in this state provided

the Commission determines that the educational and experience requirements of the other state are equivalent or equal to this state.

(c) **Nonresident applicant that is inactive or unlicensed in another state.** A nonresident applicant that holds an inactive license in another state or an applicant who is unlicensed in another state may apply to the Commission for a license to operate as a nonresident provisional sales associate or broker by submitting all appropriate documents and successfully completing all requirements as required by the Commission.

(1) The nonresident applicant must complete and submit the following:

(A) Appropriate application ~~along with examination fee.~~

(B) Qualify as an original applicant by submitting proof of appropriate required education.

(C) ~~Successfully~~ Examination fee and successfully complete the entire appropriate examination.

(D) If applicable, certificate of licensure from the state(s) in which the applicant has held a license.

(2) Upon the Commission granting approval to the nonresident applicant for licensure in this state, the applicant must complete and submit the following:

(A) Appropriate license application form(s) along with license and education and recovery fund fees.

(B) Consent for service of jurisdiction form.

(d) **Consent for service of jurisdiction.** Prior to the issuance of a license to a nonresident, such nonresident shall file with the Commission a designation in writing that appoints the Secretary-Treasurer of the Commission to act as his or her licensed agent, upon whom all judicial and other process or legal notices directed to such licensee may be served. Service upon the agent so designated shall be equivalent to personal service upon the licensee. Copies of such appointment, certified by the Secretary-Treasurer of the Commission, shall be deemed sufficient evidence thereof and shall be admitted into evidence with the same force and effect as the original thereof. In such written designation, the licensee shall agree and stipulate that any notice or instrument which is served upon such agent shall be of the same legal force and validity as if served upon the licensee, and that the authority shall continue in force so long as any liability remains outstanding in this state. Upon receipt of any such process or notice the Secretary-Treasurer shall forthwith mail a copy of the same, by certified mail, to the last known business address of the licensee.

(e) **License history and application requirements.** Prior to the approval of the application, the nonresident must file with the Commission a certificate of licensure from the real estate licensing jurisdiction of the licensee's resident state and/or other state(s) in which the applicant has held or currently holds a license and pay the Commission the same examination fee and license fee as provided in the "~~Code~~" "Rules" for the obtaining of a resident sales associate or broker license in this state. The certificate of licensure shall be valid for sixty (60) days from date of issuance.

(f) **Approved application valid for ninety (90) days.** An approved application shall be valid for ninety (90) days.

(g) **Stipulations.** Nonresident licenses granted under the provisions of this Section shall remain in force, unless suspended or revoked by the Commission for just cause, or for failure to pay the renewal fee, only as long as such nonresident remains licensed in good standing in this state, in his or her resident state and/or any other state in which the nonresident is or has been licensed.

(h) **Co-brokerage arrangements.** A broker of this state may participate in a cooperative brokerage arrangement with a broker of another state provided that each broker conducts real estate activities only in the state in which they are licensed.

(i) **Request for license transfer.** In the event a nonresident Oklahoma licensee desires to transfer the license and obtain a resident Oklahoma license or desires to transfer the license to another state or

jurisdiction, the nonresident licensee shall be required to meet all applicable requirements and pay the appropriate change of address fee and submit all appropriate documents as required by the Commission. In the event a resident Oklahoma licensee desires to transfer the license and obtain a nonresident Oklahoma license, the licensee shall be required to pay the appropriate change of address fee and complete and submit all appropriate documents as required by the Commission.

(j) **Continuing education.** If a nonresident licensee satisfies a continuing education requirement in another state for license renewal, the Commission will exempt the nonresident licensee from the continuing education requirement in this state. In order to qualify for the exemption, the nonresident licensee must file with the license renewal of this state a certificate from the state in which the continuing education was satisfied stating that the nonresident licensee has completed the continuing education requirement for license renewal in that state. The certificate from the state verifying the nonresident's compliance with continuing education in the other state must be received by the Commission within sixty (60) days of issuance by the other state and must be received in conjunction with license renewal.

605:10-7-10. Resident applicants currently or previously licensed in other states

(a) **Requirements.** In order to qualify under previously licensed procedures, an applicant must complete and submit all appropriate documents as required by the Commission and furnish evidence that the applicant possesses or has possessed a license in good standing in another state(s). No inactive license experience may be credited to qualify under this Section. The Commission, at its discretion, may issue the applicant a license if such previously licensed applicant meets all of the requirements of either paragraphs (1), (2), (3) or (4) of this subsection:

(1) If a nonresident agreement exists between Oklahoma and the respective state in which the applicant qualified for a license, the Commission shall qualify the licensed applicant through the nonresident agreement. In order to qualify under this paragraph an individual must furnish evidence that the license from the former state has not been inactive more than six (6) months prior to application to this state.

(A) An applicant applying under this paragraph must complete and submit the following:

(i) Appropriate application ~~along with application fee.~~

(ii) License certification from the state(s) in which the applicant has held or currently holds a license.

(iii) Examination fee and successfully complete the state law portion of the examination.

(B) Upon the Commission granting approval to the applicant for licensure in this state, the applicant must complete and submit the appropriate license application form(s) along with license and education and recovery fund fees.

(C) An applicant qualifying under this paragraph will be issued either a sales associate, broker associate or broker license.

(2) If a nonresident agreement does not exist, the applicant shall be required to furnish evidence of two (2) years of active experience respectively as a sales associate or broker out of the previous five (5) years. In order to qualify under this paragraph an individual must furnish evidence that the license from the former state has not been inactive more than six (6) months prior to application to this state.

(A) An applicant applying under this paragraph must complete and submit the following:

(i) Appropriate application ~~along with application fee.~~

(ii) License certification from the state(s) in which the applicant has held or currently holds a license.

(iii) Examination fee and successfully complete the state law portion of the examination.

(B) Upon the Commission granting approval to the applicant for licensure in this state, the applicant must complete and submit the appropriate license application form(s) along with license and education and recovery fund fees.

(C) An applicant qualifying under this paragraph will be issued either a sales associate, broker associate or broker license.

(3) An applicant who does not possess the required two (2) years active experience out of the previous five (5) years respectively as a sales associate or broker, or an applicant who does not meet all of the requirements of either paragraphs (1) or (2) of this subsection, but obtained the appropriate license in the other state within the past five (5) years, shall be required to take and successfully complete the entire appropriate examination.

(A) An applicant applying under this paragraph must complete and submit the following:

(i) Appropriate application ~~along with examination fee.~~

(ii) License certification from the state(s) in which the applicant has held or currently holds a license.

(iii) ~~Successfully~~ Examination fee and successfully complete the entire appropriate examination.

(B) Upon the Commission granting approval to the applicant for licensure in this state, the applicant must complete and submit the appropriate license application form(s) along with license and education and recovery fund fees.

(C) An applicant qualifying under this paragraph will be issued either a sales associate, broker associate or broker license.

(4) An applicant who has not been actively licensed during any portion of the previous five (5) years in the other state shall be regarded as an original applicant; however, if an applicant successfully completed the appropriate real estate course approved in another state for real estate licensure and such course's duration is equivalent to Oklahoma's hourly course requirements, the applicant may be granted to sit for the entire appropriate examination and shall be regarded as an original applicant.

(A) An applicant applying under this paragraph must complete and submit the following:

(i) Appropriate application along with examination fee.

(ii) License certification from the state(s) in which the applicant has held or currently holds a license.

(iii) Qualify as an original applicant by submitting appropriate required education.

(iv) ~~Successfully~~ complete the entire appropriate examination.

(B) Upon the Commission granting approval to the applicant for licensure in this state, the applicant must complete and submit the appropriate license application form(s) along with license and education and recovery fund fees.

(C) An applicant qualifying under this paragraph will be issued either a provisional sales associate, broker associate or broker license.

(b) **May be required to submit to additional requirements.** If, in the opinion of the Commission, there is question as to the competence of the previously licensed applicant, such individual may be required to submit to additional educational courses and/or the Oklahoma examination.

(c) **Application requirements.** Any applicant seeking to transfer his or her license to Oklahoma from another state must pay the required examination and regular license fee, whether or not the examination from the other state is accepted for substitution. Prior to the issuance of any license, the applicant must file with the Commission a certificate of licensure from the state(s) in which the applicant has held or currently holds a license. The certificate of licensure shall be valid for sixty (60) days from date of issuance. No inactive license experience may be credited to qualify under this Section. Such approved application shall be valid for ninety (90) days.

SUBCHAPTER 15. DISCLOSURES

605:10-15-4. Residential Property Condition Disclosure Act forms

(a) **Development and amendment of forms.** In accordance with Oklahoma Statutes, Title 60, Section 833 the Commission shall develop and amend by rule the forms for the Residential Property Condition Disclosure Statement and Residential Property Condition Disclaimer Statement. Effective ~~November 1, 2003~~ July 11, 2008 the disclosure statement is amended and all disclosure forms executed prior to ~~November 1, 2003~~ July 11, 2008 will remain in force and valid until expiration of the 180 days from the date noted thereon.

(b) **Availability of forms.** The forms shall be available to the public upon request on and after July 1, 1995.

(c) **Copy of form format.** The Residential Property Condition Disclosure Statement as referenced in this section is set out in Appendix A at the end of this Chapter. The Residential Property Condition Disclaimer Statement as referenced in this section is set out in Appendix B at the end of this Chapter.