

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 379

By: Newberry and Shortey of the  
Senate

3  
4 and

5 Brumbaugh of the House  
6

7 An Act relating to real estate; creating the Real  
8 Estate Owner's Rights Act; providing short title;  
9 making certain matter of statewide concern;  
10 establishing certain rights of property owners;  
11 granting right for construction and repairs;  
12 requiring certain permits and inspections; construing  
13 requirement to hire licensed persons under certain  
14 condition; authorizing certain assistance to property  
15 owner without licensure; granting right for  
16 management, rental and leasing; authorizing  
17 delegation of certain functions without licensure;  
18 prohibiting disclosure of certain agreements;  
19 allowing certain services by certain persons relating  
20 to property management; providing exception to real  
21 estate licensure; amending 59 O.S. 2011, Sections  
22 858-301, 1017 and 1692, which relate to real estate  
23 license exemption, plumbing and electrical  
24 licensures; providing exception to licensures of  
certain property owners; providing an exception to  
mechanical licensure; providing for codification; and  
providing an effective date.

19 AUTHOR: Add the following House Coauthor: Allen

20 AMENDMENT NO. 1. Page 1, lines 6 through 16, strike the title to  
21 read

22 "[ real estate - creating the Real Estate Owner's  
23 Rights Act - establishing certain rights of  
24 property owners - real estate license exemption,



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24 certain property owners; providing an exception to  
mechanical licensure; providing for codification; and  
providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 858-1000 of Title 59, unless  
there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Real Estate  
Owner's Rights Act".

1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 858-1001 of Title 59, unless  
3 there is created a duplication in numbering, reads as follows:

4 As a matter of statewide concern, an owner of real property in  
5 this state has the following rights:

6 A. The right to construct, install, and repair.

7 1. Notwithstanding any provision of law or municipal ordinance  
8 to the contrary, an owner of residential real property or farm  
9 property who resides in this state and whose real property is  
10 located in this state shall be authorized to, and have the absolute  
11 right to, personally perform any construction, installation, work or  
12 repairs to his or her property including, but not limited to,  
13 fencing, landscaping, telephone, plumbing, electrical, roofing,  
14 mechanical, carpentry, concrete, masonry or painting, without first  
15 obtaining licensure as may be required for such construction,  
16 installation, work or repair; provided, however, the owner shall be  
17 required to:

18 a. obtain all applicable state and local permits and  
19 inspections to satisfy the state and local building  
20 code requirements, if any,

21 b. obtain the services of a qualified professional or  
22 obtain applicable authority when working directly  
23 with, connecting to or disconnecting from any public  
24

1 utility system, public service corporation system or  
2 any utility metering device or equipment, and

3 c. disclose the nature and extent of the construction,  
4 installation, work or repairs performed by the owner  
5 for purposes of the sale of such property, if  
6 licensure would have been required for such work.

7 2. Nothing in this subsection shall be construed to allow the  
8 owner of any residential real property or farm property to avoid the  
9 hire of a qualified licensed professional to perform any  
10 construction, installation, work or repairs to his or her property  
11 where a valid license is required by law or municipal ordinance  
12 should the work be performed by a person other than the actual owner  
13 of the property or by the owner's family members, relatives or  
14 employees without such persons being licensed.

15 3. For purposes of this subsection, an owner is authorized to,  
16 and shall have the absolute right to, be assisted by his or her  
17 family members, relatives or employees when performing construction,  
18 installation, work or repairs to his or her residential real  
19 property or farm property.

20 B. The right to manage, rent, lease, and sell.

21 1. An owner of residential real property or farm property who  
22 resides in this state and whose property is located in this state  
23 shall be authorized to, and have the absolute right to, personally  
24 manage, rent, and/or lease or sell his or her property without

1 obtaining a real estate license or using a licensed real estate  
2 broker, sales associate or property management company for such  
3 purposes, or paying any fee to or registering such property with a  
4 municipality.

5 2. Any owner of residential real property or farm property who  
6 resides in-state or out-of-state and whose property is located in  
7 this state may delegate, and shall have an absolute right to  
8 delegate, another qualified person to manage, rent, and/or lease his  
9 or her property without the owner or designated agent being required  
10 to obtain a real estate license or obtain the services of a licensed  
11 real estate broker, sales associate or property management company  
12 if exempt under paragraph 10 of Section 858-301 of Title 59 of the  
13 Oklahoma Statutes, or pay any fee to or register such property with  
14 a municipality.

15 3. Notwithstanding any provision of law or municipal ordinance  
16 to the contrary, an owner of residential real property or farm  
17 property, or the designated agent of such owner, shall not be  
18 required to disclose any rental, lease or property management  
19 agreement to a municipality as a condition of property management,  
20 rental or leasing by the property owner or his or her designated  
21 agent.

22 4. Nothing in this subsection shall be construed to prohibit an  
23 owner of residential real property or farm property from utilizing  
24 the services of a licensed real estate broker, sales associate or

1 property management company for any purpose or service relating to  
2 his or her property.

3 SECTION 3. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 858-606 of Title 59, unless  
5 there is created a duplication in numbering, reads as follows:

6 Pursuant to the Real Estate Owner's Rights Act, an owner of  
7 residential real property or farm property shall not be required to  
8 obtain or hold a valid real estate broker license, sales associate  
9 license or be in the business of real property management to manage,  
10 rent, lease or sell his or her real property, and an owner's  
11 qualified designated agent shall be exempt from licensure as  
12 provided in paragraph 10 of Section 858-301 of Title 59 of the  
13 Oklahoma Statutes.

14 SECTION 4. AMENDATORY 59 O.S. 2011, Section 858-301, is  
15 amended to read as follows:

16 Section 858-301. It shall be unlawful for any person to act as  
17 a real estate licensee, or to hold himself or herself out as such,  
18 unless the person shall have been licensed to do so under the  
19 Oklahoma Real Estate License Code. However, nothing in this section  
20 shall:

21 1. Prevent any person, partnership, trust, association or  
22 corporation, or the partners, officers or employees of any  
23 partnership, trustees or beneficiaries of any trust, association or  
24 corporation, from acquiring real estate for its own use, nor shall

1 anything in this section prevent any person, partnership, trust,  
2 association or corporation, or the partners, officers or employees  
3 of any partnership, trustees or beneficiaries of any trust,  
4 association or corporation, as owner, lessor or lessee of real  
5 estate, from selling, renting, leasing, exchanging, or offering to  
6 sell, rent, lease or exchange, any real estate so owned or leased,  
7 or from performing any acts with respect to such real estate when  
8 such acts are performed in the regular course of, or as an incident  
9 to, the management, ownership or sales of such real estate and the  
10 investment therein;

11 2. Apply to persons acting as the attorney-in-fact for the  
12 owner of any real estate authorizing the final consummation by  
13 performance of any contract for the sale, lease or exchange of such  
14 real estate;

15 3. In any way prohibit any attorney-at-law from performing the  
16 duties of the attorney as such, nor shall this Code prohibit a  
17 receiver, trustee in bankruptcy, administrator, executor, or his or  
18 her attorney, from performing his or her duties, or any person from  
19 performing any acts under the order of any court, or acting as a  
20 trustee under the terms of any trust, will, agreement or deed of  
21 trust;

22 4. Apply to any person acting as the resident manager for the  
23 owner or an employee acting as the resident manager for a licensed  
24 real estate broker managing an apartment building, duplex, apartment



1 complex or court, when such resident manager resides on the premises  
2 and is engaged in the leasing of property in connection with the  
3 employment of the resident manager;

4 5. Apply to any person who engages in such activity on behalf  
5 of a corporation or governmental body, to acquire easements, rights-  
6 of-way, leases, permits and licenses, including any and all  
7 amendments thereto, and other similar interests in real estate, for  
8 the purpose of, or facilities related to, transportation,  
9 communication services, cable lines, utilities, pipelines, or oil,  
10 gas, and petroleum products;

11 6. Apply to any person who engages in such activity in  
12 connection with the acquisition of real estate on behalf of an  
13 entity, public or private, which has the right to acquire the real  
14 estate by eminent domain;

15 7. Apply to any person who is a resident of an apartment  
16 building, duplex, or apartment complex or court, when the person  
17 receives a resident referral fee. As used in this paragraph, a  
18 "resident referral fee" means a nominal fee not to exceed One  
19 Hundred Dollars (\$100.00), offered to a resident for the act of  
20 recommending the property for lease to a family member, friend, or  
21 coworker;

22 8. Apply to any person or entity managing a transient lodging  
23 facility. For purposes of this paragraph, "transient lodging  
24 facility" means a furnished room or furnished suite of rooms which

1 is rented to a person on a daily basis, not as a principal  
2 residence, for a period less than thirty (30) days; ~~or~~

3 9. Apply to employees of a licensed real estate broker who  
4 lease residential housing units only to eligible persons who qualify  
5 through a state or federal housing subsidized program to lease the  
6 property in an affordable housing development project. "Affordable  
7 housing development project" means a housing development of four or  
8 more units constructed for lease to specifically eligible persons as  
9 required by the particular federal or state housing program,  
10 including, but not limited to, the U.S. Department of Housing and  
11 Urban Development, the U.S. Department Agriculture Rural  
12 Development, the U.S. Department of Treasury Internal Revenue  
13 Service, or the Oklahoma Housing Finance Agency; or

14 10. Apply to any person acting as the designated agent for an  
15 individual owner of residential real property or farm property who  
16 is a family member, relative, employee or contractor of such owner  
17 and who is managing, renting, leasing, or offering to rent, lease or  
18 exchange the real estate so owned, or is performing any acts with  
19 respect to such real estate when such acts are performed in the  
20 regular course of, or as an incident to, the management or ownership  
21 of such real estate and the investment therein; provided, however,  
22 the designated agent must work exclusively for owner-family members,  
23 owner-relatives or an owner-employer to be eligible for the license  
24 exemption.

1 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1017, is  
2 amended to read as follows:

3 Section 1017. The provisions of The Plumbing License Law of  
4 1955 shall not apply to:

5 1. Minor repairs, consisting of repairing or replacing faucets  
6 or minor working parts of plumbing fixtures;

7 2. Farm buildings located outside any city or town unless such  
8 buildings are connected to a public water or sewer system;

9 3. Maintenance work for state institutions and school  
10 districts;

11 4. The installation, maintenance, repair, renovation of  
12 automatic sprinkler systems and related mechanical appurtenances  
13 beginning at a point where the pipe or piping system provides water  
14 used exclusively for these automatic sprinklers and their related  
15 appurtenances and to standpipes connected to automatic sprinkler  
16 systems;

17 5. The construction, installation, maintenance, repair,  
18 renovation, and/or removal of pipe or piping systems and related  
19 mechanical appurtenances including backflow preventers, appliances  
20 and/or equipment used in connection therewith, directly or  
21 indirectly within or without any building or structure, from a point  
22 or location in a source of potable water supply at which point or  
23 location there exists any backflow preventer, provided that ~~said~~ the  
24 pipe and/or piping systems are for:

- 1           a.    heating, except radiant-floor heating systems as  
2                    defined in subparagraph d of paragraph 9 of Section  
3                    1003 of this title,  
4           b.    cooling,  
5           c.    air conditioning,  
6           d.    refrigeration, or  
7           e.    boilers and other pressure vessels of whatsoever kind  
8                    and character.

9           A "backflow preventer," as used herein, means any permanent  
10           mechanical device, or combination of permanent mechanical devices,  
11           of whatever material, which, after installation acts to prevent a  
12           reversal of the normal directional flow of potable water within the  
13           piping system in which it is installed, and shall include, but not  
14           be limited to, metal checkvalves and airgaps, either naturally or  
15           artificially created. Provided, further, that the exclusionary  
16           provisions of this paragraph shall apply only to and within  
17           governmental agencies, counties, cities and towns which now have or  
18           which hereafter may adopt separate laws relating to the licensing,  
19           registration and regulating of persons engaged, for business  
20           purposes, in any of the areas of trade hereinbefore specified in  
21           this paragraph; the exemptions herein being provided to apply only  
22           to these items specifically regulated by any such local laws and  
23           ordinances; and  
24

1           6. An individual who performs plumbing work on ~~such~~  
2 ~~individual's~~ residential or farm property of residence owned by the  
3 individual or an owner who performs plumbing work on his or her  
4 property with the assistance of his or her family members, relatives  
5 or employees as authorized by this act.

6           SECTION 6.           AMENDATORY           59 O.S. 2011, Section 1692, is  
7 amended to read as follows:

8           Section 1692. A. The provisions of the Electrical License Act  
9 shall not apply to:

10           1. Minor repairs, consisting of repairing or replacing outlets  
11 or minor working parts of electrical fixtures;

12           2. Maintenance work for state and federal institutions;

13           3. The construction, installation, maintenance, repair, and  
14 renovation by a public utility regulated by the Corporation  
15 Commission;

16           4. Public service corporations, telephone and telegraph  
17 companies, rural electric associations or municipal utilities;

18           5. The construction, installation, maintenance, repair, and  
19 renovation of telephone equipment or computer systems by a person,  
20 firm, or corporation engaged in the telecommunications or  
21 information systems industry when such activities involve work  
22 exclusively for communication of data, voice, or for other signaling  
23 purposes; except fire alarm systems, security systems, and  
24

1 environmental control systems that are not an integral part of a  
2 telecommunications system; or

3 6. The installation, maintenance, repair or replacement of  
4 water supply pumps, provided such work is performed from the output  
5 side of a fused disconnect or breaker box.

6 B. Nothing in the Electrical License Act shall be construed to  
7 require:

8 1. Employment of a licensed electrical contractor, journeyman  
9 electrician or electrical apprentice except as required by local  
10 ordinances and resolutions;

11 2. Any regular employee of any firm or corporation to hold a  
12 license before doing any electrical work on the property of the firm  
13 or corporation whether or not the property is owned, leased or  
14 rented except as may be required by local ordinances and  
15 resolutions; or

16 3. An individual to hold a license before doing electrical work  
17 on his or her own property or residence ~~except as may be required by~~  
18 ~~local ordinances and resolutions~~ or an owner who performs electrical  
19 work on his or her property or residence with the assistance of his  
20 or her family members, relatives or employees as authorized by this  
21 act.

22 SECTION 7. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1850.7a of Title 59, unless  
24 there is created a duplication in numbering, reads as follows:

1 The provisions of the Mechanical Licensing Act shall not apply  
2 to an individual who performs mechanical work on residential or farm  
3 property owned by such individual or an owner of property who  
4 performs mechanical work with the assistance of his or her family  
5 members, relatives or employees as authorized by the Real Estate  
6 Owner's Rights Act.

7 SECTION 8. This act shall become effective November 1, 2015.

8 Passed the Senate the 11th day of March, 2015.

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\_\_\_\_\_  
Presiding Officer of the Senate

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12 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
13 2015.

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Presiding Officer of the House  
of Representatives

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