

# State Regulation of the Real Estate Industry and Real Estate Law

*An increase in consumerism will result in continued efforts to regulate the real estate industry and support services. The Oklahoma Association of REALTORS® is aware of the increasing consumer scrutiny of REALTORS®, their services and the cost of those services and will continue to improve the public image of REALTORS® by supporting high quality education which stresses ethical standards and awareness of the laws and regulations pertaining to our industry. The Oklahoma Association of REALTORS®, in conjunction with the Oklahoma Real Estate Commission, will work to ensure licensing laws balance the needs of the consumer with the economic concerns of licensees.*

## Real Estate Licensing Laws

- Continue to support current licensing laws as they relate to applicants with felony convictions.
- Support license reciprocity with other states.
- Oppose the consolidation of OREC functions with other state agencies.
- Oppose the creation of any specialty permits under real estate licensing laws as restrictive and unnecessary.
- Carefully monitor all legislation and/or regulations relating to unbundled services in the real estate industry.
- Monitor the Broker Relationships Act as needed.

## Real Estate Business Activities

- Strongly support and be actively involved in legislation that supports licensing requirements for closing companies that do not preclude real estate licensees from closing their own in-company transactions.
- Strongly support legislation that restricts texting and e-mailing while driving, while continuing to allow for general cell phone usage.
- Support open ownership of title insurance agencies which encourages competition and protects the public interest.
- Support changes to the abstracting laws of Oklahoma to ensure they are fair and affordable to Oklahoma property owners.
- Support changes in the title insurance laws which eliminate the requirement for an abstract in the issuance of a title insurance policy.
- Support efforts to digitize county records.
- Strongly oppose any mandatory requirement that an attorney or attorney's representative be present or involved in any aspect of the real estate transaction.
- Oppose state-imposed limits or restrictions placed on "controlled business arrangements" regulated under RESPA.
- Oppose any effort, physical or financial, which would inhibit access to public records.
- Oppose regulations/legislation which attempt to erode the definition of "independent contractor" as it relates to exemptions available for REALTORS® under state law.
- Oppose any legislation which would allow banks and other financial institutions entry into the real estate brokerage or property management business.
- Carefully monitor all legislation and/or regulation which would

potentially impact the availability and/or affordability of property insurance.

- Carefully monitor all legislation regarding the activities involved in the closing of a real estate transaction. Such activities include but are not limited to: inspections, appraisals, abstractors, title insurance, mortgage origination, mortgage companies and homeowners insurance and other related trades.

## Real Estate Law

- Strongly support and be actively involved in legislation that changes the Residential Property Condition Disclosure Act which will require for-sale-by-owners to comply with the disclosure requirements.
- Support the innocent landowner defense.
- Oppose efforts to mandate property registration and/or inspections of rental properties.
- Oppose required inspections on properties in conjunction with the issuance of occupancy permits.
- Carefully monitor any legislation which would require property owners to provide storm shelters and/or evacuation plans to tenants.
- Study the effects of requiring the disclosure of the covenants and restrictions of a subdivision to buyers of residential real estate.
- Study the buyer inducement provisions of the Oklahoma Real Estate License Code and Rules.
- Study legislation regarding property management and the Oklahoma Landlord Tenant Act.

