

OKLAHOMA
Real Estate Commission

Real Estate License Code & Rules Updates

EFFECTIVE NOVEMBER 1, 2026

REGULATORY BODIES IN REAL ESTATE

YOUR BROKER AND BROKERAGE

Supervisor in the eyes of OREC

MULTIPLE LISTING SERVICE

Technology suite

LOCAL ASSOCIATION OF REALTORS

Local professional organization

OKLAHOMA ASSOCIATION OF REALTORS

State professional organization

NATIONAL ASSOCIATION OF REALTORS

National professional organization

OKLAHOMA REAL ESTATE COMMISSION

State governing agency for real estate activities — the minimum, foundational regulations and oversight for the industry in our state

SB 1217

BUYER-BROKER AGREEMENTS & BROKER CHOICE

WHAT PROMPTED SB 1217?

Following the National Association of REALTORS commission lawsuit settlement, many licensees believed a written buyer brokerage agreement was required under OREC rules prior to showing a property.

However:

- Oklahoma law did not require a buyer brokerage agreement before showing a property.
- Some professional organization's rules and policies *did* require agreements before showings.
- Different brokerages adopted different practices.
- Consumers and licensees received conflicting information.

Three key concerns emerged:

Consumer Access
Consumers were hesitant to sign long-term representation agreements before meeting an agent or viewing a property.

Broker Flexibility
Brokerages wanted the ability to determine their own business practices as they did prior to the settlement.

Legal Clarity
Many licensees incorrectly believed state law had changed and now required a buyer brokerage agreement before a showing.

Effective November 1, 2026:

- A broker **shall not be required** to enter into a brokerage agreement with a buyer prior to showing real estate for purchase, lease, option, or exchange.

- A managing broker or proprietor broker **may choose to require a branch broker, broker associate, or sales associate** that is employed by, working with, or an independent contractor for the managing broker or proprietor broker to enter into a brokerage agreement with a buyer prior to showing real estate for purchase, lease, option, or exchange.

WHAT REMAINED THE SAME?

SB 1217 does not alter:

- Licensee duties under the Broker Relationship Act
- Required compensation disclosure prior to effective date of contract

Ultimately, your broker or brokerage will set the policy regarding when these agreements will need to be completed (to be no later than the effect date of the contract).

59 O.S. § 858-353(A)(7)
Disclose information pertaining to compensation and fees assessed on each transaction to the represented party, which shall be communicated in writing before the effective date of the contract for sale or lease, and the time frame for which the compensation agreement is valid, not to exceed one (1) year. If no time frame is specified, the compensation agreement shall default to sixty (60) days.

Your brokerage. Your business model.

- **Choose** to create buyer brokerage agreements **before** showings or **later**.

- **Choose** to **maintain current** company policies or **develop new** policies.

Consult your professionals.

Before changing policies, consider consulting your **brokerage's legal counsel**, your **Errors & Omissions** insurance carrier, **MLS**, or **other professional associations.**

Great questions to ask:

- Does our E&O policy contain recommendations regarding representation agreements?
- What documentation practices best protect our brokerage?
- Are our policies aligned with state law and business goals?

Title 605, Chapter One

ADMINISTRATIVE RULE CHANGES — EFFECTIVE NOVEMBER 1, 2026

SUMMARY OF RULE CHANGES FOR 605:1

Petition for Declaratory Ruling

Clarifies the processes for when a petition for declaratory ruling is filed.

Contract Forms Committee

Expands the Contract Forms Committee from 13 to 15 members.

WHAT IS A DECLARATORY RULING?

- An official **written answer** from the Commission on how an existing rule or order applies to a specific set of facts.
- **Does not create a new rule or change an existing rule.** The Commission cannot issue a declaratory ruling regarding its statutes.
- A petition may be filed with the Commission under **605:1-1-4 (e)**
- **Not the same as asking the Commission to *change* a rule**. That is a separate process under 605:1-1-4 (d) where a person petitions to promulgate, amend, or repeal a rule.
- **Not legal advice or staff opinion.** The Commission acts on the petition in an open meeting.
- **It can be appealed.** Declaratory rulings, including a refusal to issue one, are considered final orders and therefore may be appealed in district court.

605:1,1-4 (E)
PETITION FOR DECLARATORY RULING OF ANY RULE OR ORDER

(1) Submission. Any person may petition the Commission for a declaratory ruling ***pursuant to*** *Section 307 of Title 75 of the Oklahoma Statutes as to the applicability of any rule or order of the Commission. Such petition shall:*

(c) state ***with specificity*** *the rule or order involved.*

Summary & Impact:

Must provide a clear and specific reference to the applicable rule or order when submitting a petition. Impacts petitioners for a declaratory ruling.

(***Bold*** = *New or amended language.)*

605:1,1-4 (E)
PETITION FOR DECLARATORY RULING OF ANY RULE OR ORDER

(2) Review and Disposition. The Commission shall have at least 30 days to review the petition. Following the review period, the Commission shall preliminarily consider the petition at its next regularly scheduled meeting and may:

(a) Issue a declaratory ruling on the merits;

(b) Refuse to issue a declaratory ruling in according with subsection (3); or

(c) Continue consideration of the petition to a subsequent meeting if additional information, analysis, or deliberation is required.

Summary & Impact:

Specified what the Commission may do after the review period for declaratory ruling petitions, including issuing or refusing a ruling, or continuing consideration of the petition. Impacts the Commission and the petitions for a declaratory ruling.

(All language in this section is new or amended.)

605:1,1-4 (E)
PETITION FOR DECLARATORY RULING OF ANY RULE OR ORDER

(3) Grounds for Refusal: The Commission may, in its discretion, refuse to issue a declaratory ruling if it determines that any of the following applies:

(a) The petition concerns a matter outside the Commission's jurisdiction;
(b) The issue raised is hypothetical, speculative, or not ripe for decision;
(c) The Petition seeks resolution of disputed facts not appropriate for a declaratory ruling;
(d) Facts are insufficient or unclear to make an effective ruling;
(e) The petition is duplicative of another proceeding or ruling; or
(f) Issuance of a declaratory ruling would not serve the public interest.

Summary & Impact:

Clearly outlined the Commission's discretionary grounds for refusing to issue declaratory rulings. Impacts the Commission and petitioners for a declaratory ruling.

(All language in this section is new or amended.)

605:1,1-4 (E)
PETITION FOR DECLARATORY RULING OF ANY RULE OR ORDER

(4) Testimony and Evidence. The Commission may compel the production of testimony and evidence necessary to make its declaratory ruling.

(5) Judicial Review. A declaratory ruling, or refusal to issue such ruling, shall constitute final agency action and shall be subject to judicial review pursuant to Section 317-323 of Title 75 of the Oklahoma Statutes.

Summary & Impact:

Reorganized and clarified the rules for the Commission's authority to compel testiomny and evidence, as well as the appellate process for declaratory rulings. Impacts the Commission and petitioners for a declaratory ruling.

(All language in this section is new or amended.)

605:1,1-4 (F)
CONTRACT FORMS COMMITTEE

*(2) The Committee shall consisten of **15 members**. Five members shall be appointed by the Oklahoma Real Estate Commission; three members shall be appointed by the Oklahoma Bar Association; five members shall be appointed by the Oklahoma Association of Realtors; **one member shall be appointed by the Oklahoma Land and Title Association; and one member shall be appointed by the Mortgage Bankers Association.***

Summary & Impact:

Increased the Contract Forms Committee from 13 to 15 members and clarified appointment structure. Impacts Committee members and appointing organizations.

(***Bold*** = *New or amended language.*)

Title 605, Chapter 10

ADMINISTRATIVE RULE CHANGES — EFFECTIVE NOVEMBER 1, 2026

SUMMARY OF RULE CHANGES FOR 605:10

Education and Examination Requirements

Clarifies continuing education requirements for deed theft and removes unnecessary language for new license applicants.

Licensing Procedures and Options

Clarifies the approval process for business entity applications and the number of prerequisite course hours for out-of-state license applicants.

Instructor and Entity Requirements and Standards

Consolidates the process for pre-license and post-license course and instructor applications and course standards; and outlines requirements for approved course instructors and service provided to enrolled students.

Broker's Operational Procedures

Clarifies that a broker is responsible for any licensable activities performed by virtual and remote assistance and any software-based tools; when license disclosure is required; and that a team member cannot hold themselves out as owner of a real estate brokerage.

605:10,3-2 (A)
REQUIREMENTS FOR COMPLETING APPLICATION

*(1) Any **applicant** seeking a real estate license shall **submit an** application on **forms** provided by the Commission. **Applicants must complete all questions and provide any information or documentation the Commission requires. The Commission may amend or update application forms and required documentation at any time.***

Summary & Impact:

Condensed application requirements for real estate license. Impacts applicants seeking a real estate license.

(***Bold*** = *New or amended language.*)

605:10,3-6 (K)
REQUIRED NUMBER OF CONTINUING EDUCATION HOURS

FOR SALES ASSOCIATES & BROKER ASSOCIATES
(2) Each licensee shall complete a minimum of 13 hours of required subject matter consisting of no less than...one hour in Broker Relationships Act, Fair Housing, Code and Rules, and ***Deed Theft.***

FOR MANAGING BROKERS, BRANCH BROKERS, AND BROKER PROPRIETORS:
(4) All Brokers shall be required to successfully complete the Broker in Charge course consisting of 15 clock hours, or its equivalent, as approved by the Commission. In addition, to satisfy the continuing education requirement of 30 clock hours, all Brokers shall complete at least six hours of Contracts and Forms education ***and one hour of Deed Theft education****. The remaining* ***eight*** *clock hours of required education may consistent of elective subject matter as approved by the Commission.*

Summary & Impact:

Added Deed Theft to the required CE hours and removed Hot Topic.
Impacts all licensees.

(***Bold =*** *New or amended language.)*

Quick Overview of Requirements:

- 6 Hours **Contracts**
- 3 Hours **Professional Conduct**
- 1 Hour **Broker Relationship Act**
- 1 Hour **Fair Housing**
- 1 Hour **Code and Rules** (*you're getting this today!*)
- 1 Hour **Deed Theft**
- 17 Hours of **Elective Courses**

Sales Associates *and* ***Broker Associates*** *may take the Broker in Charge course to satisfy 15 elective hours.*
Licensees *may take additional hours of Required Topics to satisfy their elective hours.*

605:10,5-1
PRE-LICENSE AND POST-LICENSE REQUIREMENTS

Rule

Combined the regulations for pre-license and post-license requirements

Changes

- Reorganized the rule to include both pre-license and post-license requirements in one section.
- Created separate qualification standards for post-license instructors.
- Consolidated application, renewal, advertising, record-keeping, audits, and disciplinary provisions.

Impact

- **Education Providers**: Requirements for pre-license and post-license courses are consolidated and clarified.
- **Instructor Applicants:** New standalone qualification standards for post-license instructors.
- **Approved Instructors and Providers:** Existing operational, renewal, advertising, and record-keeping requirements are reorganized but largely unchanged.

605:10,7-8 (E)
BUSINESS ENTITY NAMES

The Commission may deny approval of a business entity or partnership name if it determines the proposed name is too similar to the name of a licensed real estate brokerage entity, trade name, or team name.

Summary & Impact:

Established grounds for denial of business entity or partnership name due to similarity. Impacts business entities and partnerships.

*A **prospective brokerage applicant** may reach out to OREC to confirm name availability prior to registering with the Oklahoma Secretary of State.*

(All language in this section is new or amended.)

605:10,7-10 (A)
REQUIREMENTS FOR RESIDENT APPLICANTS CURRENTLY OR PREVIOUSLY LICENSED IN OTHER JURISDICTIONS

(2) If a nonresident agreement does not exist, the applicant shall be required to furnish evidence of two years of active experience respectively as a sales associate or broker out of the previous five years.

(A) ... must complete and submit the following:

*(v) Proof of completion of at least one continuing education clock hour in each of the following...**six hours of Contracts and Forms.***

*(3) [Only required to apply as an original applicant **for a provisional sales associate license.**]*

Summary & Impact:

Increased CE hours and clarified application requirements for resident applicants currently or previously licensed in other jurisdictions. Impacts resident applicants currently or previously licensed in other jurisdictions.

(***Bold*** = *New or amended language.*)

605:10,9-1 (G)
BROKER IS RESPONSIBLE FOR THE ACTS OF UNLICENSED ASSISTANTS

A broker is responsible for all real estate related activities of any unlicensed assistant working within the firm, ***including virtual or remote assistants, and any software-based tools (including chatbots, Artificial Intelligence Models, or Generative AI) used to perform functions related to real estate services.***

Summary & Impact:

Broadened broker responsibilities to encompass the use of AI tools by unlicensed assistants in real estate related activities. Impacts all brokers.

(***Bold*** = *New or amended language.)*

605:10,9-4 (C)
TEAM ADVERTISING

(3) Team members are prohibited from holding themselves out as owner of a firm that provides brokerage services.

Summary & Impact:

Prohibited team members from representing themselves as the owner of a firm that provides brokerage services. Impacts all team members.

(All language in this section is new or amended.)

605:10,9-4 (D)
LICENSEE ACTING AS OWNER, PURCHASER, OR DIRECT EMPLOYEE OF OWNER. (ADVERTISING)

(1) The licensee shall include their license number on any purchase or lease contracts, contracts for deed, option contracts, or lease to own agreements.

(2) A licensee who acts only as a direct employee of a property owner, and who does not hold an ownership interest in the employing entity, serve as an officer of the employing entity or receive compensation based on the outcome of those services, is not required to disclose licensure status in advertising related to that employment.

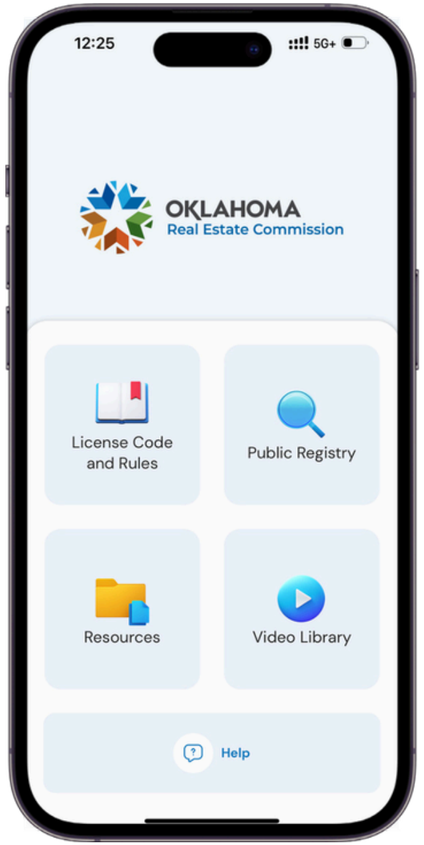
Summary & Impact:

Clarified requirements for advertising as a licensee acting as owner, purchaser or direct employee of the owner. Impacts any licensee acting as owner, purchaser, or direct employee of the owner.

(All language in this section is new or amended.)

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THANK YOU!

Need help? Reach out:
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