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Brad Henry, Governor
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Secretary of State
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Notices of Rulemaking Intent

Prior to adoption and gubernatorial/legislative review of a proposed PERMANENT rulemaking action, an agency must publish a Notice of Rulemaking Intent in the *Register*. In addition, an agency may publish a Notice of Rulemaking Intent in the *Register* prior to adoption of a proposed EMERGENCY or PREEMPTIVE rulemaking action.

A Notice of Rulemaking Intent announces a comment period, or a comment period and public hearing, and provides other information about the intended rulemaking action as required by law, including where copies of proposed rules may be obtained.

For additional information on Notices of Rulemaking Intent, see 75 O.S., Section 303.

TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 10. UNEMPLOYMENT INSURANCE PROGRAM

[OAR Docket #08-1272]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Benefits

Part 1. General Provisions

240:10-3-2. Claimant's notification of change of address
[AMENDED]

Part 3. Computations

240:10-3-12. Payment of benefits [AMENDED]

Subchapter 5. Contributions

Part 19. Maintenance and Production of Work Records

240:10-5-90. Records [AMENDED]

Subchapter 11. Assessment Board Procedures

Part 1. General Provisions

240:10-11-6. Address of Board [AMENDED]

Part 5. Hearings

240:10-11-26. Cameras [NEW]

Subchapter 13. Appeal Tribunal Procedures

Part 1. General Provisions

240:10-13-7. Disqualification of hearing officer
[AMENDED]

240:10-13-8. Address of Appeal Tribunal [AMENDED]

Part 5. Hearings

240:10-13-46. Cameras [NEW]

SUMMARY:

The amendments to the rules in this chapter will remove the references to local offices for claimants notifying the Commission of a change of address, because there are no local offices that administer unemployment insurance programs. All change of addresses must be made through the central office as instructed on the Internet or through the Unemployment Insurance Service Centers. A provision is being added that will state that a debit card issued to receive unemployment benefits will be cancelled if the card is not activated within 90 days of issuance. The rule on records is being amended to clarify that employers are required to keep records that will confirm, verify, or supply data that is required in any field on

Commission forms. Typographical errors are being corrected and the telephone numbers of the Assessment Board and the Appeal Tribunal are being corrected. New rules will prohibit cameras from any hearing conducted by the Assessment Board or the Appeal Tribunal.

AUTHORITY:

40 O.S. §§2-103, 2-203, 4-302, 4-313, 4-502, 4-704 and the Oklahoma Employment Security Commission.

REQUEST FOR COMMENTS:

The Oklahoma Employment Security Commission requests that business entities affected by this rule provide the Oklahoma Employment Security Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COMMENT PERIOD:

Written and oral comments will be accepted through December 5, 2008, during regular business hours by the contact person listed below.

PUBLIC HEARING:

No public hearing is scheduled at this time, but will be scheduled if a written request is submitted to the contact person listed below by: (1) at least twenty-five individuals, (2) a political subdivision, (3) an agency, or (4) an association having not less than twenty-five members.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review from the contact person listed below.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review from the contact person listed below.

CONTACT PERSON:

For information regarding processing of proposed rulemaking for this agency contact Melissa Copenhaver at P. O. Box 53039, Oklahoma City, OK 73152-3039, 405/557-7146, FAX: 405/557-5320, E-Mail: Melissa.Copenhaver@oesc.state.ok.us.

[OAR Docket #08-1272; filed 10-8-08]

Notices of Rulemaking Intent

TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 15. BOARD OF REVIEW PROCEDURES

[OAR Docket #08-1273]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Appeals to the Board of Review
240:15-3-2. Correspondence with Board of Review;
address [AMENDED]
- Subchapter 5. Hearings
240:15-5-5. Cameras [NEW]

SUMMARY:

The amendment to the Board of Review rules will correct the telephone number and telefax number of the Board of Review. A new rule will disallow cameras from any hearing conducted by the Board of Review.

AUTHORITY:

40 O.S. §§2-607 and the Board of Review of the Oklahoma Employment Security Commission.

REQUEST FOR COMMENTS:

The Oklahoma Employment Security Commission requests that business entities affected by this rule provide the Oklahoma Employment Security Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COMMENT PERIOD:

Written and oral comments will be accepted through December 5, 2008, during regular business hours by the contact person listed below.

PUBLIC HEARING:

No public hearing is scheduled at this time, but will be scheduled if a written request is submitted to the contact person listed below by: (1) at least twenty-five individuals, (2) a political subdivision, (3) an agency, or (4) an association having not less than twenty-five members.

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For information regarding processing of proposed rulemaking for this agency contact Melissa Copenhaver at P. O. Box 53039, Oklahoma City, OK 73152-3039,

405/557-7146, FAX: 405/557-5320, E-Mail:
Melissa.Copenhaver@oesec.state.ok.us

[OAR Docket #08-1273; filed 10-8-08]

TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 21. WORKFORCE INVESTMENT ACT

[OAR Docket #08-1274]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 9. Audits
240:21-9-1. Audit requirements [AMENDED]

SUMMARY:

The amendment made in this chapter will reduce the time a subrecipient has to file an audit report. The current time limit is one year from the end of the grant recipient's fiscal year. The amendment will reduce that time period to 9 months from the end of the grant recipient's fiscal year. This is being done to make the time limits under the state rules the same as the time limits under the federal rules.

AUTHORITY:

40 O. S. §§4-302, 4-313, 4-704 and the Oklahoma Employment Security Commission.

REQUEST FOR COMMENTS:

The Oklahoma Employment Security Commission requests that business entities affected by this rule provide the Oklahoma Employment Security Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COMMENT PERIOD:

Written and oral comments will be accepted through December 5, 2008, during regular business hours by the contact person listed below.

PUBLIC HEARING:

No public hearing is scheduled at this time, but will be scheduled if a written request is submitted to the contact person listed below by: (1) at least twenty-five individuals, (2) a political subdivision, (3) an agency, or (4) an association having not less than twenty-five members.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review from the contact person listed below.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review from the contact person listed below.

CONTACT PERSON:

For information regarding processing of proposed rulemaking for this agency contact Melissa Copenhaver at P. O. Box 53039, Oklahoma City, OK 73152-3039,

405/557-7146, FAX: 405/557-5320, E-Mail: Melissa.Copenhaver@oesc.state.ok.us.

[OAR Docket #08-1274; filed 10-8-08]

Gubernatorial Approvals

Upon notification of approval by the Governor of an agency's proposed PERMANENT rulemaking action, the agency must submit a notice of such gubernatorial approval for publication in the *Register*.
For additional information on gubernatorial approvals, see 75 O.S., Section 303.2.

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 100. AIR POLLUTION CONTROL

[OAR Docket #08-1267]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 1. General Provisions
- 252:100-1-3. Definitions [AMENDED]
- 252:100-1-4. Units, abbreviations and acronyms [AMENDED]
- Subchapter 5. Registration, Emission Inventory and Annual Operating Fees
- 252:100-5-1.1. Definitions [AMENDED]

GUBERNATORIAL APPROVAL:

September 24, 2008

[OAR Docket #08-1267; filed 10-3-08]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 100. AIR POLLUTION CONTROL

[OAR Docket #08-1268]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 8. Permits for Part 70 Sources
- Part 5. Permits for Part 70 Sources
- 252:100-8-2. Definitions [AMENDED]
- 252:100-8-4. Requirements for construction and operating permits [AMENDED]
- Part 7. Prevention of Significant Deterioration (PSD) Requirements for Attainment Areas
- 252:100-8-30. Applicability [AMENDED]
- 252:100-8-31. Definitions [AMENDED]
- 252:100-8-33. Exemptions [AMENDED]
- 252:100-8-37. Innovative control technology [AMENDED]
- 252:100-8-38. Actuals PAL [AMENDED]
- Part 9. Major Sources Affecting Nonattainment Areas
- 252:100-8-50. Applicability [AMENDED]
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- 252:100-8-51. Definitions [AMENDED]
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- 252:100-8-52. Applicability determination for sources in attainment areas causing or contributing to NAAQS violation [AMENDED]
- 252:100-8-53. Exemptions [AMENDED]
- 252:100-8-54.1. Ozone and PM-10 precursors [NEW]
- 252:100-8-55. Source obligation [AMENDED]
- 252:100-8-56. Actuals PAL [AMENDED]

GUBERNATORIAL APPROVAL:

September 24, 2008

[OAR Docket #08-1268; filed 10-3-08]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 100. AIR POLLUTION CONTROL

[OAR Docket #08-1269]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 17. Incinerators
- Part 5. Municipal Waste Combustors
- 252:100-17-14.1. Definitions [AMENDED]
- 252:100-17-14.2. Terminology related to 40 CFR [AMENDED]
- 252:100-17-15. Exemptions [AMENDED]
- 252:100-17-16. Standards for particulate matter and opacity [AMENDED]
- 252:100-17-17. Standards for municipal waste combustor metals [AMENDED]
- 252:100-17-19. Standards for municipal waste combustor organics expressed as total mass dioxins/furans [AMENDED]
- 252:100-17-20. Standards for nitrogen oxides [AMENDED]
- 252:100-17-21. Standards for municipal waste combustor operating practices [AMENDED]
- 252:100-17-24. Standards for municipal waste combustor operator training and certification [AMENDED]
- 252:100-17-25. Compliance and performance testing [AMENDED]
- 252:100-17-26. Reporting and recordkeeping requirements [AMENDED]

GUBERNATORIAL APPROVAL:

September 24, 2008

[OAR Docket #08-1269; filed 10-3-08]

Gubernatorial Approvals

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 100. AIR POLLUTION CONTROL

[OAR Docket #08-1270]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 19. Control of Emission of Particulate Matter
- 252:100-19-1.1. Definitions [AMENDED]
- 252:100-19-11. Allowable particulate matter emission rates from combined wood fuel and fossil fuel fired steam generating units [AMENDED]
- Appendix C. Allowable Rate of Emissions for Indirectly Fired Fuel-Burning Units [REVOKED]

Appendix C. Allowable Particulate Matter Emission Rates for Indirectly Fired Fuel-Burning Units [NEW]

Appendix D. Allowable Rate of Emissions for Indirectly Fired Wood Fuel-Burning Units [REVOKED]

Appendix D. Allowable Particulate Matter Emission Rates for Indirectly Fired Wood Fuel-Burning Units [NEW]

Appendix G. Allowable Rate of Emissions [REVOKED]

Appendix G. Allowable Particulate Matter Emission Rates for Directly Fired Fuel-Burning Units and Industrial Process [NEW]

GUBERNATORIAL APPROVAL:

September 24, 2008

[OAR Docket #08-1270; filed 10-3-08]

Emergency Adoptions

An agency may adopt new rules, or amendments to or revocations of existing rules, on an emergency basis if the agency determines that "an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule[s] [A]n agency may promulgate, at any time, any such [emergency] rule[s], provided the Governor first approves such rule[s]" [75 O.S., Section 253(A)].

An emergency action is effective immediately upon approval by the Governor or on a later date specified by the agency in the preamble of the emergency rule document. An emergency rule expires on July 15 after the next regular legislative session following promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which references the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

For additional information on the emergency rulemaking process, see 75 O.S., Section 253.

TITLE 365. INSURANCE DEPARTMENT CHAPTER 10. LIFE, ACCIDENT AND HEALTH

[OAR Docket #08-1266]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 27. Preneed Life Insurance Minimum Standards For Determining Reserve Liabilities And Nonforfeiture Values Regulation [NEW]

365:10-27-1. Authority [NEW]

365:10-27-2. Scope [NEW]

365:10-27-3. Purpose [NEW]

365:10-27-4. Definitions [NEW]

365:10-27-5. Minimum Valuation Mortality Standards [NEW]

365:10-27-6. Transition Rules [NEW]

365:10-27-7. Effective Date [NEW]

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1, 1510(A)(4)(iii) and 4029(H)(4)(h)(vi)

DATES:

Adoption:

August 6, 2008

Approved by Governor:

September 11, 2008

Effective:

Immediately upon approval by the Governor

Expiration:

Effective through July 14, 2009, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY RULES:

n/a

INCORPORATION BY REFERENCE:

n/a

FINDING OF EMERGENCY:

A compelling public interest requires an emergency rule due to the necessity of providing by rule a means for reserving for preneed insurance due to the fact that the mortality tables currently recognized as the prevailing table for the purposes of calculating reserves and nonforfeiture values both on a statutory basis and on a tax basis produced inadequate reserves for insurance policies issued in support of a prearrangement agreement which provides goods and services at the time of an insured's death. Without this regulation, administrative expenses for preneed life insurers would increase resulting in higher premiums for insureds.

ANALYSIS:

The purpose of this regulation is to establish for preneed insurance products minimum mortality standards for reserves and nonforfeiture values, and to require the use of the 1980 Commissioners Standard Ordinary (CSO) Mortality Table for use in determining the minimum standard of valuation of reserves and the minimum standard nonforfeiture values for preneed insurance products. Research completed by the Deloitte University of Connecticut Actuarial Center and commissioned by the Society of Actuaries as a part of a study of preneed mortality determined that the 2001 CSO Mortality Table,

currently recognized as the prevailing table for the purposes of calculating reserves and nonforfeiture values both on a statutory basis and on a tax basis, produced inadequate reserves for insurance policies issued in support of a prearrangement agreement which provides goods and services at the time of an insured's death.

CONTACT PERSON:

Karl F. Kramer, Oklahoma Insurance Department, (405) 521-2668

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S. SECTION 253(D):

SUBCHAPTER 27. PRENEED LIFE INSURANCE MINIMUM STANDARDS FOR DETERMINING RESERVE LIABILITIES AND NONFORFEITURE VALUES REGULATION

365:10-27-1. Authority

This regulation is promulgated by the Insurance Commissioner pursuant to Sections 1510(A)(4)(iii) and 4029(H)(4)(h)(vi) of Title 36 of the laws of this state.

365:10-27-2. Scope

This regulation applies to preneed insurance, as defined in Section 365:10-27-4 of this regulation, and to similar policies and certificates. The Insurance Commissioner shall have the authority to determine what constitutes similar policies and certificates.

365:10-27-3. Purpose

The purpose of this regulation is to establish for preneed insurance products minimum mortality standards for reserves and nonforfeiture values, and to require the use of the 1980 Commissioners Standard Ordinary (CSO) Mortality Table for use in determining the minimum standard of valuation of reserves and the minimum standard nonforfeiture values for preneed insurance products. Research completed by the Deloitte University of Connecticut Actuarial Center and commissioned by the Society of Actuaries as a part of a study of preneed mortality determined that the 2001 CSO Mortality Table, currently

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recognized as the prevailing table for the purposes of calculating reserves and nonforfeiture values both on a statutory basis and on a tax basis, produced inadequate reserves for insurance policies issued in support of a prearrangement agreement which provides goods and services at the time of an insured's death.

365:10-27-4. Definitions

The following words and terms when used in this Subchapter shall have the following meaning unless the context clearly indicates otherwise:

"2001 CSO Mortality Table" means that mortality table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. The 2001 CSO Mortality Table is included in the *Proceedings of the NAIC (2nd Quarter 2002)*. Unless the context indicates otherwise, the "2001 CSO Mortality Table" includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and non-smoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables.

"Ultimate 1980 CSO" means the Commissioners' 1980 Standard Ordinary Mortality Tables (1980 CSO) without ten-year (10-year) selection factors, incorporated into the 1980 amendments to the NAIC Standard Valuation Law approved in December 1983.

"Preneed insurance" means for purposes of this regulation any insurance policy or certificate that is used to fund contracts for prepaid funeral benefits pursuant to Section 6125.2 of Title 36 of the laws of this state and the Prepaid Funeral Benefits Act, 36 O.S. § 6121, et seq.

365:10-27-5. Minimum valuation mortality standards

For preneed insurance and similar insurance policies and certificates, the minimum mortality standard for determining reserve liabilities and nonforfeiture values for both male and female insureds shall be the Ultimate 1980 CSO.

365:10-27-6. Transition rules

(a) For preneed insurance policies issued on or after the effective date of this regulation and before January 1, 2012, the 2001 CSO Mortality Table may be used as the minimum standard for reserves and minimum standard for nonforfeiture benefits for both male and female insureds.

(b) If an insurer elects to use the 2001 CSO Mortality Table as a minimum standard for any policy issued on or after the effective date of this regulation and before January 1, 2012, the insurer shall provide, as a part of the actuarial opinion memorandum submitted in support of the company's asset adequacy testing, an annual written notification to the domiciliary commissioner. The notification shall include:

(1) A complete list of all preneed insurance policy forms that use the 2001 CSO Mortality Table as a minimum standard;

(2) A certification signed by the appointed actuary stating that the reserve methodology employed by the company in determining reserves for the preneed insurance policies issued after the effective date and using the 2001 CSO Mortality Table as a minimum standard, develops adequate reserves. For the purposes of this certification, the preneed insurance policies using the 2001 CSO as a minimum standard cannot be aggregated with any other policies.; and

(3) Supporting information regarding the adequacy of reserves for preneed insurance policies issued after the effective date of this regulation and using the 2001 CSO Mortality Table as a minimum standard for reserves.

(c) Preneed insurance policies issued on or after January 1, 2012, must use the Ultimate 1980 CSO in the calculation of minimum nonforfeiture values and minimum reserves.

365:10-27-7. Effective date

This regulation is applicable to preneed insurance policies and certificates and similar policies and certificates, as specified in Section 365:10-27-2, issued on or after January 1, 2009.

[OAR Docket #08-1266; filed 10-2-08]

TITLE 605. OKLAHOMA REAL ESTATE COMMISSION CHAPTER 10. REQUIREMENTS, STANDARDS AND PROCEDURES

[OAR Docket #08-1271]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 7. Licensing Procedures and Options

605:10-7-9. Nonresident licensing [AMENDED]

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

Subchapter 15. Disclosures

605:10-15-4. Residential property condition disclosure act forms [AMENDED]

AUTHORITY:

Title 59 O.S., Section 858-208. Oklahoma Real Estate Commission

DATES:

Adoption:

August 13, 2008

Approved by Governor:

September 18, 2008

Effective:

Effective immediately upon governor's approval or November 1, 2008, whichever is later

Expiration:

Effective through July 14, 2009

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The Commission has determined that an imminent peril to the preservation of the public health, safety, welfare or other compelling extraordinary

circumstances exists which necessitates the promulgation of emergency rules, due to the passage of HB 2564 which becomes effective November 1, 2008 and rules are necessary to implement the requirement for nonresident applicants and previously licensed applicants from other jurisdictions to successfully complete the state portion of the real estate examination; further, the Residential Property Condition disclosure Statement Form was amended effective July 11, 2008 through permanent rule promulgation and the rules need to reflect that disclosure statements that were signed by sellers prior to July 11, 2008 shall remain in full force and effect from 180 days of the date they were signed by the seller. The Commission hereby adopts the emergency rules as presented with an effective date of November 1, 2008.

ANALYSIS:

The amendments to Subchapter 7 605:10-7-9 and 605:10-7-10 will establish a requirement for all nonresident and/or previously licensed applicants to successfully complete the state law portion of the examination; and, Subchapter 15 605:10-15-4 establishes a validity period for disclosure forms that were signed by sellers on or before July 10, 2008.

CONTACT PERSON:

Anne M. Woody (405) 521-3387

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253 (D), WITH A LATER EFFECTIVE DATE OF NOVEMBER 1, 2008:

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.

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(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.

[OAR Docket #08-1271; filed 10-7-08]

Executive Orders

As required by 75 O.S., Sections 255 and 256, Executive Orders issued by the Governor of Oklahoma are published in both the *Oklahoma Register* and the *Oklahoma Administrative Code*. Executive Orders are codified in Title 1 of the *Oklahoma Administrative Code*.

Pursuant to 75 O.S., Section 256(B)(3), "Executive Orders of previous gubernatorial administrations shall terminate ninety (90) calendar days following the inauguration of the next Governor unless otherwise terminated or continued during that time by Executive Order."

TITLE 1. EXECUTIVE ORDERS

1:2008-34b.

AMENDED EXECUTIVE ORDER 2008-34 OF SEPTEMBER 9, 2008

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. §§ 683.1 *et seq.*, hereby terminate the following:

Executive Order 2008-34, signed on August 29, 2008, and as Amended, signed on September 9, 2008, shall terminate on October 10, 2008.

This Executive Order shall be forwarded to the Director of the Oklahoma Department of Emergency Management, who

shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 13th day of October, 2008.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
M. Susan Savage
Secretary of State

[OAR Docket #08-1281; filed 10-15-08]

