

HOUSE AMENDMENTS TO HOUSE BILL 2604

By COMMITTEE ON BUSINESS, LABOR AND CONSUMER AFFAIRS

April 6

- 1 On page 6 of the printed bill, line 18, delete “member of the public” and insert “person”.
2 In line 20, after “professional” insert “real estate”.
3 In line 21, after “commission” insert “or other compensation”.
4 After line 34, insert:
5 “(9) Represented a taxpayer as described in ORS 305.230 or 309.100, contingent upon reporting
6 a predetermined value or for real estate in which the licensee had an undisclosed interest.”.
7 In line 35, delete “(9)” and insert “(10)”.
8 In line 38, delete “(10)” and insert “(11)”.
9 In line 40, delete “(11)” and insert “(12)”.
10 Delete lines 42 and 43 and insert:
11 “(13) Violated a term, condition, restriction or limitation contained in an order issued by the
12 commissioner.
13 “(14) Committed an act of fraud or engaged in dishonest conduct substantially related to the
14 fitness of the applicant or licensee to conduct professional real estate activity, without regard to
15 whether the act or conduct occurred in the course of professional real estate activity.”.
16 On page 7, delete lines 1 through 19 and insert:
17 **“SECTION 5. (1) The Real Estate Commissioner shall provide by rule for the progressive**
18 **discipline of real estate licensees and an objective method for investigation of complaints**
19 **alleging grounds for discipline under ORS 696.301.**
20 **“(2) The rules adopted by the commissioner under this section:**
21 **“(a) Must establish procedures for the discovery of material facts relevant to an inves-**
22 **tigation and for the reporting of those facts without conclusions of violation or grounds for**
23 **discipline to the commissioner or the commissioner’s designee by the individual assigned to**
24 **investigate the complaint.**
25 **“(b) Must provide for progressive discipline designed and implemented to correct inap-**
26 **propriate behavior.**
27 **“(c) May not authorize imposition of a suspension or a revocation of a real estate license**
28 **unless the material facts establish a violation of a ground for discipline under ORS 696.301**
29 **that:**
30 **“(A) Results in significant damage or injury;**
31 **“(B) Exhibits incompetence in the performance of professional real estate activity;**
32 **“(C) Exhibits dishonesty or fraudulent conduct; or**
33 **“(D) Repeats conduct or an act that is substantially similar to conduct or an act for**
34 **which the real estate licensee was disciplined previously.”.**
35 On page 9, after line 29, insert:

1 “(9) Subsection (5) of this section does not apply to a violation of ORS 696.020 (1) that results
2 from a failure of a real estate licensee to renew a license within the time allowed by law.

3 “**SECTION 9. ORS 696.870 is added to and made a part of ORS 696.800 to 696.855.**”.

4 In line 30, delete “9” and insert “10”.

5 In line 32, after “omission” insert “of a real estate licensee”.

6
