

FIRST REGULAR SESSION

HOUSE BILL NO. 695

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOUX.

1515H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 339.150, RSMo, and to enact in lieu thereof one new section relating to real estate licensees.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 339.150, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 339.150, to read as follows:

339.150. 1. No real estate broker shall knowingly employ or engage any person to perform any service to the broker for which licensure as a real estate broker or a real estate salesperson is required pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860, unless such a person is:

(1) A licensed real estate salesperson or a licensed real estate broker as required by section 339.020; or

(2) For a transaction involving commercial real estate as defined in section 339.710, a person regularly engaged in the real estate brokerage business outside the state of Missouri who has, in such forms as the commission may adopt by rule:

(a) Executed a brokerage agreement with the Missouri real estate broker;

(b) Consented to the jurisdiction of Missouri and the commission;

(c) Consented to disciplinary procedures under section 339.100; and

(d) Appointed the commission as his or her agent for service of process regarding any administrative or legal actions relating to the conduct in Missouri; or

(3) For any other transaction, a person regularly engaged in the real estate brokerage business outside of the state of Missouri.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 Any such action shall be unlawful as provided by section 339.100 and shall be grounds for
19 investigation, complaint, proceedings and discipline as provided by section 339.100.

20 2. No real estate licensee shall pay any part of a fee, commission or other compensation
21 received by the licensee to any person for any service rendered by such person to the licensee in
22 buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate, unless
23 such a person is a licensed real estate salesperson regularly associated with such a broker, or a
24 licensed real estate broker, or a person regularly engaged in the real estate brokerage business
25 outside of the state of Missouri.

26 3. Notwithstanding the provisions of subsections 1 and 2 of this section, any real estate
27 broker who shall refuse to pay any person for services rendered by such person to the broker,
28 with the consent, knowledge and acquiescence of the broker that such person was not licensed
29 as required by section 339.020, in buying, selling, exchanging, leasing, renting or negotiating a
30 loan upon any real estate for which services a license is required, and who is employed or
31 engaged by such broker to perform such services, shall be liable to such person for the reasonable
32 value of the same or similar services rendered to the broker, regardless of whether or not the
33 person possesses or holds any particular license, permit or certification at the time the service
34 was performed. Any such person may bring a civil action for the reasonable value of his services
35 rendered to a broker notwithstanding the provisions of section 339.160.

36 **4. Notwithstanding any provision of law to the contrary, a real estate broker may**
37 **pay compensation directly to a business entity owned by a licensee that has been formed**
38 **for the purpose of receiving compensation earned by such licensee. A business entity that**
39 **receives compensation from a real estate broker as provided for in this subsection shall not**
40 **be required to be licensed under this chapter and shall be owned:**

41 **(1) Solely by the licensee;**

42 **(2) By the licensee together with the licensee's spouse, but only if the spouse and**
43 **licensee are both licensed and associated with the same real estate broker, or the spouse is**
44 **not also licensed; or**

45 **(3) By the licensee and one or more other licensees, but only if all such owners are**
46 **licensees which are associated with the same real estate broker.**

47

48 **For purposes of this subsection, the term "licensee" shall mean any real estate**
49 **broker-salesperson or real estate salesperson, as such terms are defined under section**
50 **339.010, and the term "business entity", shall mean any corporation, partnership, limited**
51 **partnership, limited liability company, professional corporation, or association.**

✓