

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 97, Page 1, Section
2 A, Line 5, by inserting after all of said section and line the following:
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4 "339.780. 1. All written agreements for brokerage services on behalf of a seller, landlord,
5 buyer, or tenant shall be entered into by the designated broker on behalf of that broker and affiliated
6 licensees, except that the designated broker may authorize affiliated licensees in writing to enter into
7 the written agreements on behalf of the designated broker.

8 2. Before engaging in any of the activities enumerated in section 339.010, a designated
9 broker intending to establish a limited agency relationship with a seller or landlord shall enter into a
10 written agency agreement with the party to be represented. The agreement shall include a licensee's
11 duties and responsibilities specified in section 339.730 and the terms of compensation and shall
12 specify whether an offer of subagency may be made to any other designated broker.

13 3. Before ~~or while~~ engaging in any acts enumerated in section 339.010, except ministerial
14 acts defined in section 339.710, a designated broker acting as a single agent for a buyer or tenant
15 shall enter into a written agency agreement with the buyer or tenant. The agreement shall include a
16 licensee's duties and responsibilities specified in section 339.740 and the terms of compensation.

17 4. Before engaging in any of the activities enumerated in section 339.010, a designated
18 broker intending to act as a dual agent shall enter into a written agreement with the seller and buyer
19 or landlord and tenant permitting the designated broker to serve as a dual agent. The agreement
20 shall include a licensee's duties and responsibilities specified in section 339.750 and the terms of
21 compensation.

22 5. Before engaging in any of the activities enumerated in section 339.010, a designated
23 broker intending to act as a subagent shall enter into a written agreement with the designated broker
24 for the client. If a designated broker has made a unilateral offer of subagency, another designated
25 broker can enter into the subagency relationship by the act of disclosing to the customer that he or
26 she is a subagent of the client. If a designated broker has made an appointment pursuant to section
27 339.820, an affiliated licensee that has been excluded by such appointment may enter into the
28 subagency relationship by the act of disclosing to the customer that he or she is a subagent of the
29 client.

Action Taken _____ Date _____

1 6. A designated broker who intends to act as a transaction broker and who expects to receive
2 compensation from the party he or she assists shall enter into a written transaction brokerage
3 agreement with such party or parties contracting for the broker's service. The transaction brokerage
4 agreement shall include a licensee's duties and responsibilities specified in section 339.755 and the
5 terms of compensation.

6 7. All exclusive brokerage agreements shall specify that the broker, through the broker or
7 through one or more affiliated licensees, shall provide, at a minimum, the following services:

8 (1) Accepting delivery of and presenting to the client or customer offers and counteroffers to
9 buy, sell, or lease the client's or customer's property or the property the client or customer seeks to
10 purchase or lease;

11 (2) Assisting the client or customer in developing, communicating, negotiating, and
12 presenting offers, counteroffers, and notices that relate to the offers and the counteroffers until a
13 lease or purchase agreement is signed and all contingencies are satisfied or waived; and

14 (3) Answering the client's or customer's questions relating to the offers, counteroffers,
15 notices, and contingencies.

16 8. Nothing contained in this section shall prohibit the public from entering into written
17 contracts with any broker which contain duties, obligations, or responsibilities which are in addition
18 to those specified in this section."; and

19
20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.