

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NOS. 595 & 343

AN ACT

To repeal sections 339.780 and 441.043, RSMo, and to enact in lieu thereof two new sections relating to real estate transactions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 339.780 and 441.043, RSMo, are repealed
2 and two new sections enacted in lieu thereof, to be known as
3 sections 339.780 and 441.043, to read as follows:

339.780. 1. All written agreements for brokerage services on
2 behalf of a seller, landlord, buyer, or tenant shall be entered
3 into by the designated broker on behalf of that broker and
4 affiliated licensees, except that the designated broker may
5 authorize affiliated licensees in writing to enter into the
6 written agreements on behalf of the designated broker.

7 2. Before engaging in any of the activities enumerated in
8 section 339.010, a designated broker intending to establish a
9 limited agency relationship with a seller or landlord shall enter
10 into a written agency agreement with the party to be represented.
11 The agreement shall include a licensee's duties and

responsibilities specified in section 339.730 and the terms of compensation and shall specify whether an offer of subagency may be made to any other designated broker.

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

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

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

39 that he or she is a subagent of the client.

40 6. A designated broker who intends to act as a transaction
41 broker and who expects to receive compensation from the party he or
42 she assists shall enter into a written transaction brokerage
43 agreement with such party or parties contracting for the broker's
44 service. The transaction brokerage agreement shall include a
45 licensee's duties and responsibilities specified in section
46 339.755 and the terms of compensation.

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

50 (1) Accepting delivery of and presenting to the client or
51 customer offers and counteroffers to buy, sell, or lease the
52 client's or customer's property or the property the client or
53 customer seeks to purchase or lease;

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

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

61 8. Nothing contained in this section shall prohibit the
62 public from entering into written contracts with any broker which
63 contain duties, obligations, or responsibilities which are in
64 addition to those specified in this section.

441.043. 1. No county or city, or county or city with a

2 charter form of government may enact, maintain, or enforce any
3 ordinance or resolution which regulates the amount of rent to be
4 charged for privately-owned, single-family, or multiple-unit
5 residential or commercial rental property.

6 2. No county or city, or county or city with a charter form of
7 government, shall enact, maintain, or enforce any ordinance or
8 resolution that:

9 (1) Prohibits landlords from refusing to lease or rent a
10 privately owned, single-family, or multiple-unit residential or
11 commercial rental property to a person because the person's lawful
12 source of income to pay rent includes funding from a federal or
13 other housing assistance program;

14 (2) Restricts a landlord's ability to use or consider income-
15 qualifying methods, credit scores, credit reports, eviction or
16 property damage history, or criminal history, according to such
17 landlord's own customarily applied criteria, or prohibits
18 landlords from requesting such information, to determine whether
19 to rent or lease a property to a prospective tenant;

20 (3) Limits the amount of security deposit a landlord may
21 require from a prospective tenant; or

22 (4) Requires tenants to automatically receive the right of
23 first refusal.

24 3. This section shall not be construed as prohibiting any
25 county or city, or any authority created by a county or city for
26 that purpose, from:

27 (1) Regulating in any way property belonging to that city,
28 county, or authority;

29 (2) Entering into voluntary agreements with private persons
30 which regulate the amount of rent charged for subsidized rental
31 properties; or

32 (3) Enacting ordinances or resolutions restricting rent for
33 properties assisted with community development block grant funds.

34 4. Nothing in this section shall prevent a county or city, or
35 county or city with a charter form of government, from enacting,
36 maintaining, or enforcing an ordinance or resolution that
37 prohibits a landlord from discriminating against a tenant or
38 prospective tenant solely on the basis that such tenant is a
39 recipient of veterans' benefits.

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Representative Chris Brown

Senator Nick Schroer