

SENATE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILLS 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
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 339.780 and 441.043, to read as follows:

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

8 2. Before engaging in any of the activities enumerated
9 in section 339.010, a designated broker intending to
10 establish a limited agency relationship with a seller or
11 landlord shall enter into a written agency agreement with
12 the party to be represented. The agreement shall include a
13 licensee's duties and responsibilities specified in section
14 339.730 and the terms of compensation and shall specify
15 whether an offer of subagency may be made to any other
16 designated broker.

17 3. Before [or while] engaging in any acts enumerated
18 in section 339.010, except ministerial acts defined in
19 section 339.710, a designated broker acting as a single

20 agent for a buyer or tenant shall enter into a written
21 agency agreement with the buyer or tenant. The agreement
22 shall include a licensee's duties and responsibilities
23 specified in section 339.740 and the terms of compensation.

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

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

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

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

56 (1) Accepting delivery of and presenting to the client
57 or customer offers and counteroffers to buy, sell, or lease
58 the client's or customer's property or the property the
59 client or customer seeks to purchase or lease;

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

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

68 8. Nothing contained in this section shall prohibit
69 the public from entering into written contracts with any
70 broker which contain duties, obligations, or
71 responsibilities which are in addition to those specified in
72 this section.

 441.043. 1. No county or city, or county or city with
2 a charter form of government may enact, maintain, or enforce
3 any ordinance or resolution which regulates the amount of
4 rent to be charged for privately-owned, single-family, or
5 multiple-unit residential or commercial rental property.

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

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

13 includes funding from a federal or other housing assistance
14 program;

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

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

24 (4) Requires tenants to automatically receive the
25 right of first refusal.

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

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

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

34 (3) Enacting ordinances or resolutions restricting
35 rent for properties assisted with community development
36 block grant funds.