

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 596

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BROWN (16).

1542H.01P

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 339.780, RSMo, and to enact in lieu thereof one new section relating to brokerage services.

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

Section A. Section 339.780, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 339.780, to read as follows:

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

2. Before engaging in any of the activities enumerated in section 339.010, a designated broker intending to establish a limited agency relationship with a seller or landlord shall enter into a written agency agreement with the party to be represented. 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.

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.

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

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

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

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

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

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

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

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

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