

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 596
103RD GENERAL ASSEMBLY

1542S.03T

2025

AN ACT

To repeal sections 339.150 and 339.780, RSMo, and to enact in lieu thereof two new sections relating to brokerage services.

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

Section A. Sections 339.150 and 339.780, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 339.150 and 339.780, to read as follows:

339.150. 1. No real estate broker shall knowingly employ or engage any person to
2 perform any service to the broker for which licensure as a real estate broker or a real estate
3 salesperson is required pursuant to sections 339.010 to 339.180 and sections 339.710 to
4 339.860, unless such a person is:

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

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

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

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

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

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

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

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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
21 compensation received by the licensee to any person for any service rendered by such person
22 to the licensee in buying, selling, exchanging, leasing, renting or negotiating a loan upon any
23 real estate, unless such a person is a licensed real estate salesperson regularly associated with
24 such a broker, or a licensed real estate broker, or a person regularly engaged in the real estate
25 brokerage business outside of the state of Missouri.

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

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

42 (1) Solely by the licensee;

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

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

48 5. For purposes of subsection 4 of this section, the following terms shall mean:

49 (1) "Business entity", any corporation, partnership, limited partnership, limited
50 liability company, professional corporation, or association;

51 (2) "Licensee", any **real estate broker**, real estate broker-salesperson, or real estate
52 salesperson, as such terms are defined under section 339.010.

339.780. 1. All written agreements for brokerage services on behalf of a seller,
2 landlord, buyer, or tenant shall be entered into by the designated broker on behalf of that

3 broker and affiliated licensees, except that the designated broker may authorize affiliated
4 licensees in writing to enter into the written agreements on behalf of the designated broker.

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

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

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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