

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend House Bill No. 476, Page 1, Section Title, Lines 2-3,

2 by striking the words "license reciprocity for military
3 members" and inserting in lieu thereof the following:

4 "professional registration"; and

5 Further amend said bill, page 3, section 324.009, line
6 80 by inserting after all of said line the following:

7 "339.150. 1. No real estate broker shall knowingly
8 employ or engage any person to perform any service to the
9 broker for which licensure as a real estate broker or a real
10 estate salesperson is required pursuant to sections 339.010
11 to 339.180 and sections 339.710 to 339.860, unless such a
12 person is:

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

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

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

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

24 (c) Consented to disciplinary procedures under section
25 339.100; and

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

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

32 Any such action shall be unlawful as provided by section
33 339.100 and shall be grounds for investigation, complaint,
34 proceedings and discipline as provided by section 339.100.

35 2. No real estate licensee shall pay any part of a
36 fee, commission or other compensation received by the
37 licensee to any person for any service rendered by such
38 person to the licensee in buying, selling, exchanging,
39 leasing, renting or negotiating a loan upon any real estate,
40 unless such a person is a licensed real estate salesperson
41 regularly associated with such a broker, or a licensed real
42 estate broker, or a person regularly engaged in the real
43 estate brokerage business outside of the state of Missouri.

44 3. Notwithstanding the provisions of subsections 1 and
45 2 of this section, any real estate broker who shall refuse
46 to pay any person for services rendered by such person to
47 the broker, with the consent, knowledge and acquiescence of
48 the broker that such person was not licensed as required by
49 section 339.020, in buying, selling, exchanging, leasing,
50 renting or negotiating a loan upon any real estate for which
51 services a license is required, and who is employed or
52 engaged by such broker to perform such services, shall be
53 liable to such person for the reasonable value of the same
54 or similar services rendered to the broker, regardless of
55 whether or not the person possesses or holds any particular
56 license, permit or certification at the time the service was
57 performed. Any such person may bring a civil action for the

58 reasonable value of his services rendered to a broker
59 notwithstanding the provisions of section 339.160.

60 4. Notwithstanding provisions of this chapter to the
61 contrary, a broker may pay compensation directly to a
62 business entity owned by a licensee that has been formed for
63 the purpose of receiving compensation earned by such
64 licensee. A business entity that receives compensation
65 from a broker as provided for in this subsection shall not
66 be required to be licensed under this chapter and shall be
67 owned:

68 (1) Solely by the licensee;

69 (2) By the licensee together with the licensee's
70 spouse, but only if the spouse and licensee are both
71 licensed and associated with the same broker, or the spouse
72 is not also licensed; or

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

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

78 (1) "Business entity", any corporation, partnership,
79 limited partnership, limited liability company, professional
80 corporation, or association;

81 (2) "Licensee", any real estate broker-salesperson or
82 real estate salesperson, as such terms are defined under
83 section 339.010."; and

84 Further amend the title and enacting clause accordingly.