

SENATE BILL NO. 478

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

1593S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 339.780, RSMo, and to enact in lieu thereof one new section relating to agreements for 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Section A. Section 339.780, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 339.780,
3 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

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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.

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