

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 266

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TREADWAY.

Read 1st time January 4, 2001, and 1000 copies ordered printed.

Read 2nd time January 7, 2001, and referred to the Committee on Professional Registration and Licensing, January 29, 2001.

Reported from the Committee on Professional Registration and Licensing, February 15, 2001, with recommendation that the bill Do Pass by Consent.

Perfectured by Consent February 26, 2001.

TED WEDEL, Chief Clerk

0613L.01P

AN ACT

To amend chapter 339, RSMo, relating to real estate agents and brokers by adding thereto one new section relating to the same subject.

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

Section A. Chapter 339, RSMo, is amended by adding thereto one new section, to be known as section 339.151, to read as follows:

339.151. 1. No licensee shall pay a commission or any other valuable consideration unless reasonable cause for payment exists or a contractual relationship exists with the licensee. Reasonable cause does not exist unless the party seeking the compensation or other valuable consideration actually introduces the business to the real estate licensee before a relationship is established between the licensee and a principal to the transaction, including, but not limited to:

(1) A subagency relationship;

(2) A transaction brokerage relationship; or

(3) A cooperative brokerage relationship.

2. It shall be a violation of this section to:

(1) Solicit or request compensation or other valuable consideration from a real estate licensee without reasonable cause;

(2) Interfere with a written representation relationship of another licensee or

14 attempt to induce a customer or client to break a written representation agreement with
15 another licensee for the purpose of replacing such agreement with a new representation
16 agreement in order to obtain a commission or other valuable consideration. Interfering
17 with the written representation agreement of another licensee includes, but is not limited
18 to:

19 (a) Threatening to reduce or withhold employee relocation benefits or to take other
20 action adverse to the interests of a customer or client of a real estate licensee because of an
21 existing representation agreement in order to obtain compensation or other valuable
22 consideration; or

23 (b) Counseling a customer or client of another real estate licensee on how to
24 terminate or amend an existing relationship agreement in order to obtain a commission or
25 other valuable consideration. Communicating corporate relocation policy or benefits to
26 a transferring employee shall not be considered interference as long as the communication
27 does not involve advice or encouragement on how to terminate or amend an existing
28 relationship agreement.

29 3. The fact that reasonable cause to solicit or request a commission or other
30 valuable consideration exists does not necessarily mean that a legal right to the commission
31 or other valuable consideration exists.

32 4. Any violation of this section shall be grounds for investigation, complaint,
33 proceedings and discipline pursuant to section 339.100.

34 5. Nothing in this chapter shall prevent any consumer from joining any
35 organization in which one of the benefits of membership may be that such organization can
36 negotiate a reduced rate or price for real estate costs for its members nor shall it prohibit
37 an inducement to the buyer or lessee paid and supplied by the owner of the property
38 directly to a buyer or lessee of the property.

39 6. Nothing in this section shall be construed to limit the ability of an employer to
40 direct an employee to follow the terms of the relocation package provided for that
41 employee, nor shall it be construed to limit an employer's choice of relocation service
42 providers.