

\* 5/4

SENATE AMENDMENT NO. 1

Offered by Hoskins of 21

331  
Amend House Bill No. 542, Page 1, Section title, Lines 2-3,

2 by striking "the occupational therapy licensure compact" and  
3 inserting in lieu thereof the following: "professional  
4 registration; and

48 339.200 710 ADC

5 ~~Further amend said bill, page 20, section 324.093, line~~  
6 ~~690~~ by inserting after all of said line the following:

31

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

Offered 5/6/21  
Adopted "

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.