

SENATE BILL NO. 435

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

1963S.011

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 339.150, RSMo, and to enact in lieu thereof one new section relating to certain payments to businesses owned by licensed real estate salespersons and broker-salespersons.

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

Section A. Section 339.150, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 339.150,
3 to read as follows:

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

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

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

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

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

18 (c) Consented to disciplinary procedures under section
19 339.100; and

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

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

26 Any such action shall be unlawful as provided by section
27 339.100 and shall be grounds for investigation, complaint,
28 proceedings and discipline as provided by section 339.100.

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

38 3. Notwithstanding the provisions of subsections 1 and
39 2 of this section, any real estate broker who shall refuse
40 to pay any person for services rendered by such person to
41 the broker, with the consent, knowledge and acquiescence of
42 the broker that such person was not licensed as required by
43 section 339.020, in buying, selling, exchanging, leasing,
44 renting or negotiating a loan upon any real estate for which
45 services a license is required, and who is employed or
46 engaged by such broker to perform such services, shall be
47 liable to such person for the reasonable value of the same
48 or similar services rendered to the broker, regardless of

49 whether or not the person possesses or holds any particular
50 license, permit or certification at the time the service was
51 performed. Any such person may bring a civil action for the
52 reasonable value of his services rendered to a broker
53 notwithstanding the provisions of section 339.160.

54 **4. Notwithstanding provisions of this chapter to the**
55 **contrary, a broker may pay compensation directly to a**
56 **business entity owned by a licensee that has been formed for**
57 **the purpose of receiving compensation earned by such**
58 **licensee. A business entity that receives compensation**
59 **from a broker as provided for in this subsection shall not**
60 **be required to be licensed under this chapter and shall be**
61 **owned:**

62 (1) Solely by the licensee;

63 (2) By the licensee together with the licensee's
64 spouse, but only if the spouse and licensee are both
65 licensed and associated with the same broker, or the spouse
66 is not also licensed; or

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

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

72 (1) "Business entity", any corporation, partnership,
73 limited partnership, limited liability company, professional
74 corporation, or association;

75 (2) "Licensee", any real estate broker-salesperson or
76 real estate salesperson, as such terms are defined under
77 section 339.010.

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