

SENATE SUBSTITUTE
FOR
HOUSE BILL NO. 596
AN ACT

To repeal sections 334.031, 339.150, and 339.780, RSMo, and to enact in lieu thereof three new sections relating to professional registration.

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

Section A. Sections 334.031, 339.150, and 339.780, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 334.031, 339.150, and 339.780, to read as follows:

334.031. 1. Candidates for licenses as physicians and surgeons shall furnish [satisfactory evidence of their good moral character, and their preliminary qualifications, to wit: a certificate of graduation from an accredited high school or its equivalent, and satisfactory evidence of completion of preprofessional education consisting of a minimum of sixty semester hours of college credits in acceptable subjects leading towards the degree of bachelor of arts or bachelor of science from an accredited college or university. They shall also furnish satisfactory evidence of having attended throughout at least four terms of thirty-two weeks of actual instructions in each term and of having received a diploma from some reputable medical college or osteopathic college that enforces requirements of four terms of thirty-two weeks for actual instruction in each term, including, in addition to class work, such experience in operative and hospital work during the last two years of instruction as is required by the American Medical Association and the American Osteopathic Association before the college is approved and accredited as reputable. Any

21 medical college approved and accredited as reputable by the
22 American Medical Association or the Liaison Committee on
23 Medical Education and any osteopathic college approved and
24 accredited as reputable by the American Osteopathic
25 Association is deemed to have complied with the requirements
26 of this subsection]:

27 (1) Evidence of good moral character by submitting to
28 a criminal background check as provided in section 43.540;

29 (2) A diploma and academic transcripts from a school
30 accredited by the Liaison Committee on Medical Education,
31 the Commission on Osteopathic College Accreditation, the
32 Educational Commission for Foreign Medical Graduates
33 (ECFMG), or a similar accrediting agency; and

34 (3) A certificate demonstrating that the applicant has
35 satisfied the requirements of section 334.035.

36 2. In determining the qualifications necessary for
37 licensure as a qualified physician and surgeon, the board,
38 by rule and regulation, may accept the certificate of the
39 National Board of Medical Examiners of the United States,
40 chartered pursuant to the laws of the District of Columbia,
41 of the National Board of Examiners for Osteopathic
42 Physicians and Surgeons chartered pursuant to the laws of
43 the state of Indiana, or of the Licentiate of the Medical
44 Counsel of Canada (LMCC) in lieu of and as equivalent to its
45 own professional examination. Every applicant for a license
46 on the basis of such certificate, upon making application
47 showing necessary qualifications as provided in subsection 1
48 of this section, shall be required to pay the same fee
49 required of applicants to take the examination before the
50 board.

51 3. The board may require applicants to list all
52 licenses to practice as a physician currently or previously
53 held in any other state, territory, or country and to

54 disclose any past or pending investigations, discipline, or
55 sanctions against each such license.

56 4. In addition to the criminal background screening
57 required by this section, the board may obtain a report on
58 the applicant from the National Practitioner Data Bank or
59 the Federation of State Medical Boards.

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.

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

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

3. Notwithstanding the provisions of subsections 1 and 2 of this section, any real estate broker who shall refuse to pay any person for services rendered by such person to the broker, with the consent, knowledge and acquiescence of the broker that such person was not licensed as required by section 339.020, in buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate for which services a license is required, and who is employed or engaged by such broker to perform such services, shall be liable to such person for the reasonable value of the same or similar services rendered to the broker, regardless of whether or not the person possesses or holds any particular license, permit or certification at the time the service was performed. Any such person may bring a civil action for the reasonable value of his services rendered to a broker notwithstanding the provisions of section 339.160.

4. Notwithstanding provisions of this chapter to the contrary, a broker may pay compensation directly to a business entity owned by a licensee that has been formed for the purpose of receiving compensation earned by such licensee. A business entity that receives compensation from

a broker as provided for in this subsection shall not be required to be licensed under this chapter and shall be owned:

(1) Solely by the licensee;

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

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

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

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

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

339.780. 1. All written agreements for brokerage services on behalf of a seller, landlord, buyer, or tenant shall be entered into by the designated broker on behalf of that broker and affiliated licensees, except that the designated broker may authorize affiliated licensees in writing to enter into the written agreements on behalf of the designated broker.

2. Before engaging in any of the activities enumerated in section 339.010, a designated broker intending to establish a limited agency relationship with a seller or landlord shall enter into a written agency agreement with the party to be represented. The agreement shall include a licensee's duties and responsibilities specified in section 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
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.