

BY SEN. STURGULEWSKI

1 IN THE SENATE

2

SENATE BILL NO. 425

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to disclosure of agency by holders  
7 of real estate licenses; and providing for an effective  
8 date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 08.88 is amended by adding a new section to read:

11 Sec. 08.88.396. DISCLOSURE OF AGENCY. (a) A person holding a  
12 license under this chapter shall, when acting as an agent for a pro-  
13 spective seller of real estate,

14 (1) disclose in writing the person's agency relationship  
15 with the seller to each prospective buyer at the time that the person  
16 begins to provide specific assistance to locate or acquire real estate  
17 for the buyer, and obtain from each prospective buyer a signed  
18 acknowledgement that the buyer is aware of the agency relationship  
19 between the person licensed under this chapter and the seller; and

20 (2) include in the purchase agreement a statement of the  
21 agency relationship between the person licensed under this chapter and  
22 the seller.

23 (b) A person holding a license under this chapter shall, when  
24 acting as an agent for a prospective buyer of real estate,

25 (1) disclose the person's relationship with the buyer to a  
26 prospective seller of real estate, or to the seller's agent, at the  
27 time of the initial contact between the person licensed under this  
28 chapter and the prospective seller or the seller's agent, and confirm  
29 the relationship in writing as soon as possible after the initial

1 contact;

2 (2) include in the purchase agreement a statement of the  
3 agency relationship between the person licensed under this chapter and  
4 the buyer;

5 (3) if the prospective seller has an unexpired exclusive  
6 listing contract for a property, present an offer to purchase that  
7 property to the seller's agent; and

8 (4) obtain the written consent of all parties to a trans-  
9 action when the person's compensation as agent for the buyer is to be  
10 paid by anyone other than the buyer being represented by the person.

11 (c) A person licensed under this chapter may not act as an agent  
12 for both a prospective seller and a prospective buyer of real estate  
13 unless the person informs both the seller and the buyer and obtains  
14 written consent to the joint agency from both.

15 (d) When a change occurs during a transaction that makes a prior  
16 written disclosure required by this section incomplete, misleading, or  
17 inaccurate, the person licensed under this chapter shall make a re-  
18 vised disclosure, in writing, to all parties to the transaction as  
19 soon as possible. The revised disclosure must include the date of the  
20 revision and shall be acknowledged in writing by all the parties.

21 \* Sec. 2. AS 08.88.401(d) is amended to read:

22 (d) A person who violates a provision of this section, [OR OF]  
23 AS 08.88.161, or AS 08.88.396 is guilty of a class A misdemeanor.

24 \* Sec. 3. This Act takes effect January 1, 1991.