

Original sponsor(s): SEN. STURGULEWSKI

1 IN THE SENATE BY THE LABOR & COMMERCE COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 425 (L&C)
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 prospective
13 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) disclose in writing to all parties to a transaction
9 when the person's compensation as agent for the buyer is to be paid by
10 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.