

SENATE BILL 641

Unofficial Copy  
C2

1998 Regular Session  
(8lr2224)

**ENROLLED BILL**

-- Economic and Environmental Affairs/Economic Matters --

Introduced by **Senators Collins, Craig, Dyson, Hollinger, Sfikas, Stoltzfus, and Teitelbaum Teitelbaum, Conway, and Middleton**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Real Estate Licensing Reform Act**

3 FOR the purpose of providing for the form and content of the written disclosure of  
4 representation that is required of real estate licensees in residential real estate  
5 transactions; providing when and under what conditions real estate licensees  
6 may act as dual agents in residential real estate transactions; establishing  
7 ~~standard duties that real estate licensees owe to clients or customers in~~  
8 ~~residential real estate transactions~~ requirements to which licensees must comply  
9 in providing real estate services; establishing requirements for brokerage  
10 agreements in residential real estate transactions; ~~providing that this Act~~  
11 ~~supersede the common law of the State under certain circumstances;~~  
12 ~~authorizing the Real Estate Commission to adopt regulations to carry out this~~  
13 ~~Act;~~ clarifying the relationship between a licensee and a common source  
14 information agency; defining certain terms; providing for a delayed effective  
15 date for certain provisions of this Act; providing that certain regulations shall be  
16 adopted by a certain date; providing for certain presumed agency relationships;

1 and generally relating to standards for real estate licensees in residential real  
2 estate transactions.

3 BY repealing *and reenacting, without amendments,*  
4 Article - Business Occupations and Professions  
5 Section ~~17-322(a)~~ 17-101(a)  
6 Annotated Code of Maryland  
7 (1995 Replacement Volume and 1997 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article - Business Occupations and Professions  
10 Section ~~17-528~~ 17-101(l), (m), and (n), 17-528, and 17-529  
11 Annotated Code of Maryland  
12 (1995 Replacement Volume and 1997 Supplement)

13 BY adding to  
14 Article - Business Occupations and Professions  
15 ~~Section 17-322(a); 17-528 through 17-531 and 17-533 through 17-537 to be~~  
16 Section 17-101(l); 17-528 and 17-529 and 17-531 through 17-535 to be under  
17 the new part "Part III. Duties of Licensees"  
18 Annotated Code of Maryland  
19 (1995 Replacement Volume and 1997 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Business Occupations and Professions**

23 ~~17-322.~~

24 ~~{(a)} (A) (1) [In this section, "handicap" and "familial status" each have~~  
25 ~~the meanings indicated in the Federal Fair Housing Act.] IN THIS SECTION THE~~  
26 ~~FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

27 (2) ~~"BROKERAGE AGREEMENT" HAS THE MEANING INDICATED IN §~~  
28 ~~17-528 OF THIS TITLE.~~

29 (3) ~~"FAMILIAL STATUS" HAS THE MEANING INDICATED IN THE FEDERAL~~  
30 ~~FAIR HOUSING ACT.~~

31 (4) ~~"HANDICAP" HAS THE MEANING INDICATED IN THE FEDERAL FAIR~~  
32 ~~HOUSING ACT.~~

33 17-101.

34 (a) In this title the following words have the meanings indicated.

1 (L) "LICENSEE" MEANS A LICENSED REAL ESTATE BROKER, A LICENSED  
 2 ASSOCIATE REAL ESTATE BROKER, OR A LICENSED REAL ESTATE SALESPERSON.

3 [(L)] (M) (1) "Real estate" means any interest in real property that is located  
 4 in this State or elsewhere.

5 (2) "Real estate" includes:

6 (i) an interest in a condominium; and

7 (ii) a time-share estate or a time-share license, as those terms are  
 8 defined in § 11A-101 of the Real Property Article.

9 [(m)] (N) "Real estate broker" means an individual who provides real estate  
 10 brokerage services.

11 [(n)] (O) "Real estate salesperson" means an individual who, while affiliated  
 12 with and acting on behalf of a real estate broker, provides real estate brokerage  
 13 services.

14 [17-529.] 17-527.1.

15 (a) This section applies to a real estate broker who purchases errors and  
 16 omissions insurance that provides coverage to the associate real estate brokers and  
 17 the real estate salespersons who are affiliated with or employed by the real estate  
 18 broker.

19 (b) A real estate broker shall provide immediate notice of a discontinuance of  
 20 the broker's errors and omissions insurance to those associate real estate brokers and  
 21 real estate salespersons who were covered under the broker's policy.

22 PART III. DUTIES OF LICENSEES.

23 17-528.

24 (A) IN THIS PART III OF THIS SUBTITLE THE FOLLOWING WORDS HAVE THE  
 25 MEANINGS INDICATED.

26 (B) "AGENCY RELATIONSHIP" MEANS EACH RELATIONSHIP IN WHICH A  
 27 LICENSEE ACTS FOR OR REPRESENTS ANOTHER PERSON WITH THE PERSON'S  
 28 AUTHORITY IN A RESIDENTIAL REAL ESTATE TRANSACTION.

29 (C) "BROKER" MEANS A LICENSED REAL ESTATE BROKER, INCLUDING A  
 30 CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, OR SOLE  
 31 PROPRIETORSHIP THROUGH WHICH A LICENSED REAL ESTATE BROKER PROVIDES  
 32 REAL ESTATE BROKERAGE SERVICES UNDER § 17-321 OF THIS TITLE.

33 (D) "BROKERAGE AGREEMENT" MEANS A WRITTEN AGREEMENT BETWEEN A  
 34 BROKER AND A CLIENT TO PROVIDE REAL ESTATE BROKERAGE SERVICES UNDER A  
 35 BROKERAGE RELATIONSHIP.

1 (E) "BROKERAGE RELATIONSHIP" MEANS AN AGENCY RELATIONSHIP UNDER  
 2 A BROKERAGE AGREEMENT BETWEEN A CLIENT AND A BROKER WHO HAS BEEN  
 3 ENGAGED BY THE CLIENT TO PROVIDE REAL ESTATE BROKERAGE SERVICES IN A  
 4 RESIDENTIAL REAL ESTATE TRANSACTION.

5 (F) "CLIENT" MEANS A PERSON WHO HAS ENTERED INTO A BROKERAGE  
 6 AGREEMENT WITH A BROKER UNDER A BROKERAGE RELATIONSHIP.

7 (G) (1) "COMMON SOURCE INFORMATION COMPANY" MEANS ANY PERSON,  
 8 ~~ENTITY, OR BUSINESS~~ THAT IS A SOURCE, COMPILER, OR SUPPLIER OF INFORMATION  
 9 REGARDING RESIDENTIAL REAL ESTATE FOR SALE OR LEASE OR OTHER DATA.

10 (2) "COMMON SOURCE INFORMATION COMPANY" INCLUDES A MULTIPLE  
 11 LISTING SERVICE.

12 (H) "CONFIDENTIAL INFORMATION" INCLUDES INFORMATION THAT:

13 (1) THE SELLER OR LESSOR WILL ACCEPT A PRICE OR RENT LESS THAN  
 14 THE PRICE OR RENT AS SET FORTH IN THE BROKERAGE AGREEMENT OR WILL  
 15 ACCEPT TERMS OTHER THAN THOSE CONTAINED IN THE BROKERAGE AGREEMENT;

16 (2) THE BUYER OR LESSEE IS WILLING TO PAY A PRICE OR RENT HIGHER  
 17 THAN THE PRICE OR RENT THE BUYER OR LESSEE OFFERED OR WILL ACCEPT TERMS  
 18 OTHER THAN THOSE CONTAINED IN THE OFFER OF THE BUYER OR LESSEE;

19 (3) DISCLOSES THE MOTIVATION OF A BUYER, LESSEE, SELLER, OR  
 20 LESSOR OR THE NEED OR URGENCY OF A SELLER TO SELL, A BUYER TO BUY, A  
 21 LESSEE TO LEASE, OR A LESSOR TO LEASE;

22 (4) DISCLOSES ANY FACTS THAT LED THE SELLER TO SELL, THE BUYER  
 23 TO BUY, THE LESSEE TO LEASE, OR THE LESSOR TO LEASE; OR

24 (5) RELATES TO THE NEGOTIATING STRATEGY OF A CLIENT.

25 ~~(I) "LICENSEE" MEANS A LICENSED REAL ESTATE BROKER, LICENSED  
 26 ASSOCIATE REAL ESTATE BROKER, OR LICENSED REAL ESTATE SALESPERSON, AS  
 27 DEFINED IN § 17-101 OF THIS TITLE.~~

28 ~~(J) (1) "MINISTERIAL ACT" MEANS ACTS WHICH AN AGENT PERFORMS ON  
 29 BEHALF OF A CLIENT PRIOR TO OR FOLLOWING THE EXECUTION OF A CONTRACT OF  
 30 SALE OR LEASE THAT ALSO ASSIST ANOTHER PERSON TO COMPLETE OR FULFILL A  
 31 CONTRACT OF SALE OR LEASE WITH THE AGENT'S CLIENT AND WHICH DO NOT  
 32 INVOLVE DISCRETION OR THE EXERCISE OF THE AGENT'S OWN JUDGMENT AN ACT  
 33 THAT:~~

34 ~~(1) A LICENSEE PERFORMS ON BEHALF OF A CLIENT BEFORE AND  
 35 AFTER THE EXECUTION OF A CONTRACT OF SALE OR LEASE;~~

36 ~~(2) ASSISTS ANOTHER PERSON TO COMPLETE OR FULFILL A CONTRACT  
 37 OF SALE OR LEASE WITH THE CLIENT OF THE LICENSEE; AND~~

1           (3)     ~~DOES NOT INVOLVE DISCRETION OR THE EXERCISE OF THE~~  
 2 ~~LICENSEE'S OWN JUDGMENT.~~

3     ~~(K)~~     "STANDARD DUTY" MEANS A DUTY OR OBLIGATION OF A LICENSEE WHO  
 4 ACTS FOR OR REPRESENTS A CLIENT IN AN AGENCY RELATIONSHIP AS PROVIDED IN  
 5 THIS PART III OF THIS SUBTITLE.

6     ~~(L)~~     (J)     "SUBAGENT" INCLUDES A COOPERATING AGENT WHO ACTS ON  
 7 BEHALF OF A CLIENT OF ANOTHER BROKER.

8     ~~(M)~~     (K)     "TIMELY" MEANS A REASONABLE TIME UNDER THE PARTICULAR  
 9 FACTS AND CIRCUMSTANCES.

10 17-529.

11     (A)     THIS PART III OF THIS SUBTITLE APPLIES ONLY TO:

12           (1)     THE SALE OR LEASE OF REAL PROPERTY IMPROVED BY ONE, TWO,  
 13 THREE, OR FOUR SINGLE-FAMILY UNITS; AND

14           (2)     UNIMPROVED REAL PROPERTY ZONED FOR RESIDENTIAL USE BY  
 15 THE LOCAL ZONING AUTHORITY OF THE COUNTY OR MUNICIPALITY IN WHICH THE  
 16 REAL PROPERTY IS LOCATED.

17     (B)     THIS PART III OF THIS SUBTITLE DOES NOT APPLY TO A LEASE OF 125  
 18 DAYS OR LESS.

19 ~~17-530.~~

20     ~~IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS TITLE SHALL~~  
 21 ~~ABROGATE AND SUPERSEDE THE COMMON LAW OF THE STATE ONLY TO THE EXTENT~~  
 22 ~~THAT THEY ARE INCONSISTENT.~~

23 ~~17-531.~~

24     ~~THE COMMISSION MAY ADOPT REGULATIONS TO CARRY OUT THIS PART III OF~~  
 25 ~~THIS SUBTITLE.~~

26 [17-528.] ~~17-532.~~ 17-530.

27     (a)     (1)     In this section the following words have the meanings indicated.

28           (2)     "Buyer's agent" means a licensed real estate broker, licensed  
 29 associate real estate broker, or licensed real estate salesperson who represents a  
 30 prospective buyer or lessee in the acquisition of real estate for sale or for lease.

31           (3)     "Cooperating agent" means a licensed real estate broker, licensed  
 32 associate real estate broker, or licensed real estate salesperson who:

33                   (i)     is not affiliated with or is not acting as the listing real estate  
 34 broker for a property; and

1                   (ii)       assists a prospective buyer or lessee as a subagent of the listing  
2 real estate broker, in the acquisition of real estate for sale or for lease.

3                   (4)       ["Designated dual agent"] "INTRA-COMPANY AGENT" means a  
4 licensed associate real estate broker or licensed real estate salesperson who has been  
5 designated by the real estate broker who the associate real estate broker or licensed  
6 real estate salesperson is affiliated with to act as a dual agent on behalf of a seller or  
7 lessor or buyer or lessee in the purchase, sale, or lease of real estate that is listed with  
8 the real estate broker.

9                   (5)       "Dual agent" means a licensed real estate broker, licensed associate  
10 real estate broker, or licensed real estate salesperson who acts as an agent for both  
11 the seller and the buyer or the lessor and the lessee in the same real estate  
12 transaction.

13                  (6)       "Seller's agent" means a licensed real estate broker, licensed  
14 associate real estate broker, or licensed real estate salesperson who:

15                   (i)       is affiliated with or acts as the listing broker for real estate; and

16                   (ii)       assists a prospective buyer or lessee in the acquisition of real  
17 estate for sale or for lease.

18       (b)       (1)       A licensee who participates in a residential real estate transaction as  
19 a seller's agent, buyer's agent, or as a cooperating agent shall disclose in writing that  
20 the licensee represents the seller or lessor or the buyer or lessee.

21                  (2)       The disclosure shall occur not later than the first scheduled  
22 face-to-face contact with the seller or lessor or the buyer or lessee.

23                  (3)       (i)       In any residential real estate transaction involving a  
24 cooperating agent as defined in this section, it shall be the obligation of the  
25 cooperating agent to make the written disclosure to the buyer or lessee required  
26 under this section.

27                  (ii)       In any residential real estate transaction that does not involve a  
28 cooperating agent as defined in this section, it shall be the obligation of the seller's  
29 agent, as defined in this section, to make the written disclosure to the buyer or lessee  
30 required under this section.

31                  (4)       In any residential real estate transaction involving a buyer's agent, it  
32 shall be the obligation of the buyer's agent to make the written disclosure to the seller  
33 or lessor or the agent of the seller or lessor as required under this section.

34                  (5)       The written disclosure shall explain:

35                   (i)       the differences between a seller's agent, buyer's agent,  
36 cooperating agent, [and] dual agent, AND INTRA-COMPANY AGENT;

1 (ii) the duties of a licensee to exercise reasonable care and diligence  
2 and maintain confidentiality;

3 (iii) [that unless a licensee agrees to assist a buyer as a buyer's  
4 agent or, dual agent, the licensee represents the seller] ~~THAT AN AGENT A LICENSEE~~  
5 WHO ~~(4)~~ ASSISTS A BUYER OR LESSEE IN LOCATING RESIDENTIAL REAL ESTATE FOR  
6 PURCHASE OR LEASE AND ~~(2) IS NOT~~ *IS NEITHER* AFFILIATED WITH ~~OR IS NOT~~ *NOR*  
7 ACTING AS THE LISTING REAL ESTATE BROKER FOR ANY REAL ESTATE SHOWN OR  
8 LOCATED, IS PRESUMED TO BE ACTING AS A BUYER'S AGENT ON BEHALF OF THE  
9 PROSPECTIVE BUYER OR LESSEE, UNLESS EITHER THE ~~AGENT~~ *LICENSEE* OR THE  
10 PROSPECTIVE BUYER OR LESSEE EXPRESSLY DECLINES TO HAVE THE ~~AGENT~~  
11 *LICENSEE* ACT AS A BUYER'S AGENT;

12 (iv) that regardless of who a licensee represents in a real estate  
13 transaction, the licensee has a duty to treat each party fairly, promptly present each  
14 written offer and counteroffer, respond truthfully to each question, disclose all  
15 material facts {that are known or should be known} relating to a property, and offer  
16 each property without discrimination;

17 (v) that a licensee is qualified to advise only on real estate matters  
18 and that legal or tax advice should be obtained from a licensed attorney or  
19 accountant;

20 (vi) the need for an agreement with a seller's agent, buyer's agent,  
21 or dual agent to be in writing and to include the duties and obligations of the agent,  
22 how and by whom the agent will be compensated, and any fee-sharing arrangements  
23 with other agents;

24 (vii) the duty of a buyer's agent to assist in the:

25 1. evaluation of a property, including the provision of a  
26 market analysis of the property; and

27 2. preparation of an offer on a property and to negotiate in  
28 the best interests of the buyer;

29 (viii) the possibility that a dual agency may arise in a real estate  
30 transaction and the options that would become available to the buyer and seller or  
31 lessee and lessor; and

32 (ix) that any complaints concerning a licensee may be filed with the  
33 State Real Estate Commission.

34 (c) Except as otherwise provided in subsection (d) of this section, a licensed  
35 real estate broker, licensed associate real estate broker, or licensed real estate  
36 salesperson may not act as a dual agent in this State.

37 (d) (1) (i) If a licensed real estate broker or a designee of the real estate  
38 broker obtains the written informed consent of all parties to a real estate transaction,  
39 the real estate broker may act as a dual agent in the transaction.

1 (ii) When acting as a dual agent in a real estate transaction, a real  
2 estate broker or a designee of the real estate broker shall assign a licensed associate  
3 real estate broker or licensed real estate salesperson affiliated with the real estate  
4 broker to act as the [designated dual] INTRA-COMPANY agent on behalf of the seller  
5 or lessor and another licensed associate real estate broker or licensed real estate  
6 salesperson affiliated with the real estate broker to act as the [designated dual]  
7 INTRA-COMPANY agent on behalf of the buyer or lessee.

8 (iii) 1. Except as otherwise required by this title and except to the  
9 [designated dual] INTRA-COMPANY agent's real estate broker or a designee of the  
10 real estate broker, [a designated dual] AN INTRA-COMPANY agent may not disclose  
11 information that a seller or buyer in a real estate transaction requests to remain  
12 confidential.

13 2. Except as otherwise required by this title, the real estate  
14 broker or the designee of the real estate broker ACTING AS THE DUAL AGENT may not  
15 disclose confidential information to the buyer or seller or the [buyer] BUYER'S or  
16 seller's [dual] INTRA-COMPANY agent in the same real estate transaction.

17 (iv) If a real estate broker offers any financial bonuses to licensees  
18 affiliated with the broker for the sale or lease of real property listed with the real  
19 estate broker, the real estate broker shall provide to each party to a real estate  
20 transaction a statement that discloses that financial bonuses are offered.

21 (V) AN INTRA-COMPANY AGENT REPRESENTING THE SELLER OR  
22 BUYER MAY PROVIDE THE SAME SERVICES TO THE CLIENT AS AN EXCLUSIVE AGENT  
23 FOR THE SELLER OR BUYER, INCLUDING ADVISING THE CLIENT AS TO PRICE AND  
24 NEGOTIATION STRATEGY, PROVIDED THAT THE INTRA-COMPANY AGENT HAS MADE  
25 THE APPROPRIATE DISCLOSURES TO THE CLIENT AND THE CLIENT HAS CONSENTED,  
26 AS REQUIRED BY THIS SECTION, TO DUAL AGENCY REPRESENTATION ~~AS REQUIRED~~  
27 ~~IN THIS SECTION~~.

28 (VI) THE PROVISIONS OF THE SERVICES SPECIFIED IN THIS  
29 SUBSECTION MAY NOT BE CONSTRUED TO BE A BREACH OF DUTY OF THE ~~AGENT~~  
30 LICENSEE, PROVIDED THAT THE ~~AGENT~~ LICENSEE HAS COMPLIED WITH THE DUTIES  
31 SPECIFIED IN ~~§ 17-534~~ § 17-522 OF THIS SUBTITLE.

32 (2) The written consent shall identify each property for which the real  
33 estate broker will serve as a dual agent.

34 (3) The written consent shall include a statement that:

35 (i) the real estate broker receives compensation on the sale of a  
36 property listed only by the broker;

37 (ii) as a dual agent the real estate broker represents both the seller  
38 and the buyer and there may be a conflict of interest because the interests of the  
39 seller and the buyer may be different or adverse;

1 (iii) as a dual agent the real estate broker does not owe undivided  
2 loyalty to either the seller or the buyer;

3 (iv) except as otherwise required by this title, a dual agent may not  
4 disclose information that a seller or buyer in a real estate transaction requests to  
5 remain confidential to the buyer or seller in the same real estate transaction;

6 (v) unless authorized by the seller, a dual agent may not tell a  
7 buyer that the seller will accept a price lower than the listing price or accept terms  
8 other than those contained in the listing agreement or suggest that the seller accept  
9 a lower price in the presence of the buyer;

10 (vi) unless authorized by the buyer, a dual agent may not tell a  
11 seller that the buyer is willing to pay a price higher than the price the buyer offered  
12 or accept terms other than those contained in the offer of the buyer or suggest that  
13 the buyer pay a higher price in the presence of the seller;

14 (vii) a dual agent may not disclose the motivation of a buyer or seller  
15 or the need or urgency of a seller to sell or a buyer to buy;

16 (viii) except as otherwise required by this title, if the information is  
17 confidential, a dual agent may not disclose any facts that lead the seller to sell;

18 (ix) the buyer or seller does not have to consent to the dual agency;

19 (x) the buyer or seller has voluntarily consented to the dual agency;  
20 and

21 (xi) the terms of the dual agency are understood by the buyer or  
22 seller.

23 (4) (I) A CAUSE OF ACTION MAY NOT ARISE AGAINST A LICENSEE FOR  
24 DISCLOSURE OF THE DUAL AGENCY RELATIONSHIP AS PROVIDED BY THIS SECTION.

25 (II) A DUAL AGENT DOES NOT TERMINATE ANY BROKERAGE  
26 RELATIONSHIP BY MAKING ANY REQUIRED DISCLOSURE OF DUAL AGENCY.

27 (5) (I) IN ANY RESIDENTIAL REAL ESTATE TRANSACTION, A LICENSEE  
28 MAY WITHDRAW FROM REPRESENTING A CLIENT WHO REFUSES TO CONSENT TO A  
29 DISCLOSED DUAL AGENCY AND TO TERMINATE THE BROKERAGE RELATIONSHIP  
30 WITH THE CLIENT.

31 (II) THE WITHDRAWAL MAY NOT PREJUDICE THE ABILITY OF THE  
32 LICENSEE TO CONTINUE TO REPRESENT THE OTHER CLIENT IN THE TRANSACTION,  
33 NOR TO LIMIT THE LICENSEE FROM REPRESENTING THE CLIENT WHO REFUSED THE  
34 DUAL AGENCY IN OTHER TRANSACTIONS NOT INVOLVING DUAL AGENCY.

35 (e) (1) The State Real Estate Commission shall require a licensed real  
36 estate broker, licensed associate real estate broker, or licensed real estate salesperson  
37 who participates in a residential real estate transaction to utilize a standard

1 disclosure form in each real estate transaction that includes the information specified  
2 in subsection (b)(5) of this section.

3 (2) The Real Estate Commission shall require a licensed real estate  
4 broker who acts as a dual agent and a licensed real estate associate broker or licensed  
5 real estate salesperson who acts as [a designated dual] AN INTRA-COMPANY agent in  
6 a real estate transaction to utilize a standard consent form that includes the  
7 information specified in subsection (d)(3) of this section.

8 (f) (1) The State Real Estate Commission shall prepare and provide a copy  
9 of:

10 (i) the standard disclosure form required under subsection (b) of  
11 this section to each licensee in this State; and

12 (ii) the standard consent form required under subsection (d) of this  
13 section to each licensee in this State.

14 (2) The disclosure form and the consent form shall be:

15 (i) written in a clear and coherent manner using words with  
16 common and everyday meanings;

17 (ii) appropriately divided and captioned by their various sections;  
18 and

19 (iii) printed in at least 10 point type.

20 [(g) The provisions of this section apply only to residential real estate  
21 transactions of 1, 2, 3, or 4 single-family units.

22 (h) This section does not apply to a lease of 125 days or less.

23 (i) The Commission may adopt regulations to implement the provisions of this  
24 section.]

25 ~~17-533.~~ 17-531.

26 (A) ~~A LICENSEE PROVIDING REAL ESTATE BROKERAGE SERVICES IN AN~~  
27 ~~AGENCY RELATIONSHIP SHALL HAVE THE STANDARD DUTIES PROVIDED IN § 17-534~~  
28 ~~OF THIS SUBTITLE.~~

29 ~~(B)~~ THIS PART III OF THIS SUBTITLE DOES NOT PROHIBIT A LICENSEE AND A  
30 CLIENT FROM AGREEING IN WRITING TO A BROKERAGE RELATIONSHIP ENTERING A  
31 BROKERAGE AGREEMENT THAT IMPOSES ON A LICENSEE DUTIES AND OBLIGATIONS  
32 IN ADDITION TO THE ~~STANDARD DUTIES PROVIDED IN § 17-534~~ AND OBLIGATIONS  
33 SPECIFIED IN § 17-532 OF THIS SUBTITLE.

1 ~~47-534. 17-532.~~

2 (A) ~~ALL REAL ESTATE AGENTS, INCLUDING SELLERS' AGENTS, BUYERS'~~  
3 ~~AGENTS, COOPERATING AGENTS, DUAL AGENTS, AND INTRA-COMPANY AGENTS,~~  
4 ~~OWE THE FOLLOWING STANDARD DUTIES TO THEIR CLIENTS:~~

5 (1) ~~AN AGENT SHALL PERFORM IN ACCORDANCE WITH THE TERMS OF~~  
6 ~~THE AGENCY AGREEMENT;~~

7 (2) ~~AN AGENT SHALL PROMOTE THE INTERESTS OF THE CLIENT BY:~~

8 (I) ~~SEEKING A SALE OR LEASE OF REAL ESTATE AT A PRICE OR~~  
9 ~~RENT AND ON TERMS AGREED ON IN THE AGENCY AGREEMENT OR AT A PRICE OR~~  
10 ~~RENT AND ON TERMS ACCEPTABLE TO THE CLIENT;~~

11 (II) ~~PRESENTING IN A TIMELY MANNER ALL WRITTEN OFFERS OR~~  
12 ~~COUNTEROFFERS TO AND FROM THE CLIENT, EVEN WHEN THE REAL ESTATE IS~~  
13 ~~SUBJECT TO AN EXISTING CONTRACT OF SALE OR LEASE, UNLESS OTHERWISE~~  
14 ~~AGREED UPON IN THE AGENCY AGREEMENT;~~

15 (3) ~~AN AGENT IS NOT REQUIRED TO SEEK ADDITIONAL OFFERS TO~~  
16 ~~PURCHASE OR LEASE REAL ESTATE WHILE THE REAL ESTATE IS SUBJECT TO AN~~  
17 ~~EXISTING CONTRACT OF SALE OR LEASE, UNLESS OTHERWISE AGREED ON IN THE~~  
18 ~~AGENCY AGREEMENT;~~

19 (4) ~~AN AGENT SHALL DISCLOSE TO THE CLIENT ALL MATERIAL FACTS~~  
20 ~~AS REQUIRED UNDER § 17-322 OF THIS SUBTITLE;~~

21 (5) ~~AN AGENT MAY NOT DISCLOSE CONFIDENTIAL INFORMATION~~  
22 ~~RECEIVED FROM OR ABOUT THE CLIENT TO ANY OTHER PARTY OR THAT PARTY'S~~  
23 ~~AGENT, UNLESS THE CLIENT CONSENTS IN WRITING TO THE DISCLOSURE OF THE~~  
24 ~~CONFIDENTIAL INFORMATION;~~

25 (6) ~~AN AGENT WHO RECEIVES CONFIDENTIAL INFORMATION FROM OR~~  
26 ~~ABOUT ANOTHER PAST OR PRESENT CLIENT OF THE AGENT OR OF THE AGENT'S~~  
27 ~~BROKER MAY NOT DISCLOSE THAT CONFIDENTIAL INFORMATION TO ANY OTHER~~  
28 ~~CLIENT OF THE AGENT OR BROKER, OR TO ANY OTHER PARTY OR THE OTHER PARTY'S~~  
29 ~~AGENT, UNLESS THE CLIENT TO WHOM THE CONFIDENTIAL INFORMATION RELATES~~  
30 ~~CONSENTS IN WRITING TO THE DISCLOSURE OF THE CONFIDENTIAL INFORMATION;~~

31 (7) ~~AN INTRA-COMPANY AGENT MAY DISCLOSE CONFIDENTIAL~~  
32 ~~INFORMATION TO THE BROKER OR DUAL AGENT UNDER WHOM THE~~  
33 ~~INTRA-COMPANY AGENT WORKS, BUT THE BROKER OR DUAL AGENT MAY NOT~~  
34 ~~DISCLOSE THAT CONFIDENTIAL INFORMATION TO THE OTHER PARTY OR THE~~  
35 ~~INTRA-COMPANY AGENT FOR THE OTHER PARTY, AS PROVIDED IN § 17-532(D) OF~~  
36 ~~THIS SUBTITLE;~~

37 (8) ~~AN AGENT SHALL TREAT ALL PARTIES TO THE TRANSACTION~~  
38 ~~HONESTLY AND FAIRLY AND ANSWER ALL QUESTIONS TRUTHFULLY;~~

1           (9)    AN AGENT SHALL ~~ACCOUNT FOR IN A TIMELY MANNER ALL TRUST~~  
2 ~~MONEY RECEIVED;~~

3           (10)   AN AGENT SHALL ~~EXERCISE REASONABLE CARE AND DILIGENCE;~~

4           (11)   AN AGENT SHALL ~~COMPLY WITH:~~

5                   (I)    ~~ALL REQUIREMENTS OF THIS TITLE;~~

6                   (II)   ~~ALL APPLICABLE FEDERAL, STATE, AND LOCAL FAIR HOUSING~~  
7 ~~LAWS AND REGULATIONS; AND~~

8                   (III)   ~~ALL OTHER APPLICABLE LAWS AND REGULATIONS;~~

9    (A)    IN THIS SECTION, "CLIENT" INCLUDES A PROSPECTIVE BUYER OR LESSEE  
10 UNDER A PRESUMED BUYER'S AGENCY RELATIONSHIP OR A PRESUMED LESSEE'S  
11 AGENCY RELATIONSHIP AS DESCRIBED IN § 12-533 OF THIS SUBTITLE.

12   (B)    A LICENSEE SHALL COMPLY WITH THE PROVISIONS OF THIS SECTION  
13 WHEN PROVIDING REAL ESTATE BROKERAGE SERVICES.

14   (C)    (I)    A LICENSEE SHALL:

15                   (I)    ACT IN ACCORDANCE WITH THE TERMS OF THE BROKERAGE  
16 AGREEMENT;

17                   (II)   PROMOTE THE INTERESTS OF THE CLIENT BY:

18                           1.   SEEKING A SALE OR LEASE OF REAL ESTATE AT A PRICE  
19 OR RENT SPECIFIED IN THE BROKERAGE AGREEMENT OR AT A PRICE OR RENT  
20 ACCEPTABLE TO THE CLIENT;

21                           2.   SEEKING A SALE OR LEASE OF REAL ESTATE ON TERMS  
22 SPECIFIED IN THE BROKERAGE AGREEMENT OR ON TERMS ACCEPTABLE TO THE  
23 CLIENT; AND

24                           3.   UNLESS OTHERWISE SPECIFIED IN THE BROKERAGE  
25 AGREEMENT, PRESENTING IN A TIMELY MANNER ALL WRITTEN OFFERS OR  
26 COUNTEROFFERS TO AND FROM THE CLIENT, EVEN IF THE REAL ESTATE IS  
27 SUBJECT TO AN EXISTING CONTRACT OF SALE OR LEASE;

28                   (III)   DISCLOSE TO THE CLIENT ALL MATERIAL FACTS AS REQUIRED  
29 UNDER § 17-322 OF THIS SUBTITLE;

30                   (IV)   TREAT ALL PARTIES TO THE TRANSACTION HONESTLY AND  
31 FAIRLY AND ANSWER ALL QUESTIONS TRUTHFULLY;

32                   (V)    IN A TIMELY MANNER ACCOUNT FOR ALL TRUST MONEY  
33 RECEIVED;

34                   (VI)   EXERCISE REASONABLE CARE AND DILIGENCE; AND

1                    (VII) COMPLY WITH ALL:

2                    1. REQUIREMENTS OF THIS TITLE;

3                    2. APPLICABLE FEDERAL, STATE, AND LOCAL FAIR HOUSING  
4 LAWS AND REGULATIONS; AND

5                    3. OTHER APPLICABLE LAWS AND REGULATIONS.

6                    (2) UNLESS THE CLIENT CONSENTS IN WRITING TO THE DISCLOSURE, A  
7 LICENSEE MAY NOT DISCLOSE CONFIDENTIAL INFORMATION RECEIVED FROM OR  
8 ABOUT A CLIENT TO ANY OTHER PARTY OR LICENSEE ACTING AS THE AGENT OF  
9 THAT PARTY OR OTHER REPRESENTATIVE OF THAT PARTY.

10                   (3) UNLESS THE CLIENT TO WHOM THE CONFIDENTIAL INFORMATION  
11 RELATES CONSENTS IN WRITING TO A DISCLOSURE OF THAT CONFIDENTIAL  
12 INFORMATION, A LICENSEE WHO RECEIVES CONFIDENTIAL INFORMATION FROM OR  
13 ABOUT THE LICENSEE'S OWN PAST OR PRESENT CLIENT OR A PAST OR PRESENT  
14 CLIENT OF THE LICENSEE'S BROKER MAY NOT DISCLOSE THAT INFORMATION TO:

15                   (I) ANY OF THE LICENSEE'S OTHER CLIENTS;

16                   (II) ANY OF THE CLIENTS OF THE LICENSEE'S BROKER;

17                   (III) ANY OTHER PARTY;

18                   (IV) ANY LICENSEE ACTING AS AN AGENT FOR ANOTHER PARTY; OR

19                   (V) ANY REPRESENTATIVE OF ANOTHER PARTY.

20                   (4) UNLESS OTHERWISE SPECIFIED IN THE BROKERAGE AGREEMENT, A  
21 LICENSEE IS NOT REQUIRED TO SEEK ADDITIONAL OFFERS TO PURCHASE OR LEASE  
22 REAL ESTATE WHILE THE REAL ESTATE IS SUBJECT TO AN EXISTING CONTRACT OF  
23 SALE OR LEASE.

24                   (5) AN INTRA-COMPANY AGENT MAY DISCLOSE CONFIDENTIAL  
25 INFORMATION TO THE BROKER OR DUAL AGENT FOR WHOM THE INTRACOMPANY  
26 AGENT WORKS BUT THE BROKER OR DUAL AGENT MAY NOT DISCLOSE THAT  
27 CONFIDENTIAL INFORMATION TO THE OTHER PARTY OR THE INTRACOMPANY  
28 AGENT FOR THE OTHER PARTY, AS PROVIDED IN § 17-530(D).

29                   ~~(12)~~ (D) AN AGENT A LICENSEE DOES NOT BREACH ANY DUTY OR  
30 OBLIGATION TO THE CLIENT BY:

31                   (I) SHOWING OTHER AVAILABLE PROPERTIES TO PROSPECTIVE  
32 BUYERS OR LESSEES;

33                   (II) REPRESENTING OTHER CLIENTS WHO HAVE OR ARE LOOKING  
34 FOR SIMILAR PROPERTIES FOR SALE OR LEASE;

1 (III) REPRESENTING OTHER SELLERS OR LESSORS WHO HAVE  
2 SIMILAR PROPERTIES TO THAT SOUGHT BY THE BUYER OR LESSEE; AND

3 (IV) SHOWING THE BUYER OTHER AVAILABLE PROPERTIES.

4 ~~(B)~~ (E) THIS TITLE DOES NOT LIMIT IN ANY WAY THE PROVISIONS OF THE  
5 MARYLAND RESIDENTIAL PROPERTY DISCLOSURE ACT UNDER THE APPLICABILITY  
6 OF § 10-702 OF THE REAL PROPERTY ARTICLE.

7 ~~(C)~~ (F) THE STANDARD DUTIES SPECIFIED IN REQUIREMENTS OF THIS  
8 SECTION ARE IN ADDITION TO ANY OTHER DUTIES REQUIRED OF THE AGENT BY LAW  
9 THAT ARE NOT INCONSISTENT WITH THESE DUTIES.

10 ~~(D)~~ (G) THE STANDARD DUTIES SPECIFIED IN THIS SECTION MAY NOT BE  
11 WAIVED OR MODIFIED.

12 ~~(E)~~ (H) A LICENSEE WHO PERFORMS MINISTERIAL ACTS FOR A PERSON MAY  
13 NOT BE CONSTRUED TO:

14 (1) VIOLATE THE LICENSEE'S DUTIES TO THE CLIENT, PROVIDED THAT  
15 THE CLIENT HAS CONSENTED IN THE BROKERAGE AGREEMENT TO THE LICENSEE'S  
16 PROVISION OF MINISTERIAL ACTS; OR

17 (2) FORM AN AGENCY RELATIONSHIP BETWEEN THE LICENSEE AND  
18 ~~THE OTHER PERSON~~ THE PERSON FOR WHOM THE MINISTERIAL ACTS ARE  
19 PERFORMED.

20 ~~47-535; 17-533.~~

21 (A) ~~AN AGENT A LICENSEE~~ WHO ~~(1)~~ ASSISTS A PROSPECTIVE BUYER OR  
22 LESSEE IN LOCATING RESIDENTIAL REAL ESTATE FOR PURCHASE OR LEASE AND ~~(2)~~  
23 ~~IS NOT IS NEITHER~~ AFFILIATED WITH OR ~~IS NOT~~ NOR ACTING AS THE LISTING REAL  
24 ESTATE BROKER FOR ANY REAL ESTATE SHOWN OR LOCATED, IS PRESUMED TO BE  
25 ACTING AS THE BUYER'S OR LESSEE'S AGENT REPRESENTING THE BUYER OR LESSEE  
26 UNLESS EITHER THE AGENT LICENSEE OR THE BUYER OR LESSEE EXPRESSLY  
27 DECLINES TO HAVE THE AGENT LICENSEE ACT AS A BUYER'S OR LESSEE'S AGENT.

28 (B) A PRESUMED BUYER'S OR LESSEE'S AGENCY RELATIONSHIP SHALL BE  
29 TERMINATED IF:

30 (1) EITHER THE ~~BUYER/LESSEE~~ BUYER, LESSEE, OR AGENT LICENSEE  
31 EXPRESSLY STATES ~~THAT THEY A~~ WISH TO TERMINATE THE PRESUMED AGENCY  
32 RELATIONSHIP; OR

33 (2) ~~THE BUYER/LESSEE AND THE AGENT ENTER INTO A WRITTEN~~  
34 ~~AGENCY AGREEMENT~~ LICENSEE AND EITHER THE BUYER OR THE LESSEE ENTER  
35 INTO A BROKERAGE AGREEMENT.

1 (C) THE BUYER OR LESSEE ~~MAY~~ DOES NOT HAVE AN OBLIGATION TO  
2 CONTINUE TO WORK WITH THE ~~AGENT~~ LICENSEE OR TO PAY THE ~~AGENT~~ LICENSEE  
3 WHILE ACTING UNDER A PRESUMED ~~BUYER'S~~ AGENCY RELATIONSHIP.

4 (D) A LICENSEE WHO IS ACTING AS A PRESUMED BUYER'S OR LESSEE'S AGENT  
5 MAY SHOW AND ASSIST THE BUYER OR LESSEE ONLY ON REAL ESTATE THAT IS NOT  
6 LISTED BY THE ~~AGENT'S BROKER~~ BROKER OF THAT LICENSEE.

7 (E) BEFORE THE ~~AGENT~~ LICENSEE MAY SHOW OR ASSIST THE BUYER OR  
8 LESSEE IN LOCATING REAL ESTATE LISTED FOR SALE BY THE BROKER WITH WHOM  
9 THE ~~AGENT~~ LICENSEE IS AFFILIATED, THE ~~AGENT~~ LICENSEE SHALL DISCLOSE TO  
10 THE PROSPECTIVE BUYER OR LESSEE THAT THE ~~AGENT~~ LICENSEE REPRESENTS THE  
11 SELLER OR LESSOR FOR THAT REAL ESTATE AS PROVIDED IN ~~§ 17-532(B)~~ § 17-530(B)  
12 OF THIS SUBTITLE.

13 (F) ~~AN AGENT~~ A LICENSEE MAY REPRESENT THE PROSPECTIVE BUYER OR  
14 LESSEE FOR SUCH REAL ESTATE AS AN INTRA-COMPANY AGENT PROVIDED THAT:

15 (1) THE ~~AGENT~~ LICENSEE HAS EXECUTED A WRITTEN CONSENT FOR  
16 DUAL AGENCY AGREEMENT; AND

17 (2) THE ~~AGENT~~ LICENSEE HAS MADE THE NECESSARY DISCLOSURE AND  
18 OBTAINED CONSENT AS REQUIRED BY ~~§ 17-532(D)~~ § 17-530(D).

19 (G) BEFORE THE ~~AGENT~~ LICENSEE MAY PRESENT AN OFFER TO PURCHASE OR  
20 LEASE OR NEGOTIATE THE PURCHASE OR LEASE OF REAL ESTATE, THE PRESUMED  
21 BUYER'S OR LESSEE'S AGENCY MUST BE TERMINATED AND THE BUYER OR LESSEE  
22 AND THE ~~AGENT~~ LICENSEE SHALL ENTER INTO A ~~WRITTEN AGENCY AGREEMENT TO~~  
23 ~~HAVE~~ BROKERAGE AGREEMENT FOR THAT AGENT LICENSEE TO ACT AS AN  
24 EXCLUSIVE BUYER'S OR LESSEE'S AGENT OR AS AN INTRA-COMPANY AGENT FOR  
25 THE BUYER OR LESSEE.

26 (H) THE LICENSEE ACTING AS THE PRESUMED BUYER'S OR LESSEE'S AGENT  
27 ~~HAS THE STANDARD DUTIES OF A BUYER'S OR LESSEE'S AGENT, AS REQUIRED BY §~~  
28 ~~17-534 OF THIS SUBTITLE AND AS STATED IN THE REQUIRED DISCLOSURE FORM~~  
29 ~~UNDER § 17-532 OF THIS SUBTITLE~~ SHALL COMPLY WITH § 17-532 OF THIS SUBTITLE  
30 AND HAS THE DUTIES STATED IN THE REQUIRED DISCLOSURE FORM UNDER § 17-530  
31 OF THIS SUBTITLE.

32 (I) AT THE FIRST MEETING OF THE ~~AGENT~~ LICENSEE AND THE BUYER OR  
33 LESSEE, THE ~~AGENT~~ LICENSEE SHALL:

34 (1) ORALLY ADVISE THE PROSPECTIVE BUYER OR LESSEE THAT THE  
35 ~~AGENT~~ LICENSEE WILL ACT AS THE BUYER'S OR LESSEE'S AGENT IN LOCATING  
36 RESIDENTIAL REAL ESTATE UNLESS THE BUYER OR LESSEE DECLINES THE AGENCY;  
37 AND

38 (2) PROVIDE THE PROSPECTIVE BUYER OR LESSEE WITH A COPY OF THE  
39 DISCLOSURE FORM REQUIRED BY ~~§ 17-532~~ § 17-530 OF THIS SUBTITLE, BUT THE

1 ~~AGENT~~ LICENSEE IS NOT REQUIRED TO OBTAIN THE SIGNATURE OF THE BUYER OR  
2 LESSEE BEFORE OR DURING THE PRESUMED AGENCY RELATIONSHIP.

3 (J) ~~AN AGENT~~ A LICENSEE ACTING AS A PRESUMED BUYER'S AGENT SHALL  
4 ORALLY DISCLOSE THAT FACT TO THE SELLER OR LESSOR OR THE LICENSEE ACTING  
5 AS THE AGENT OF THE SELLER OR LESSOR AT THEIR FIRST CONTACT.

6 ~~17-536.~~ 17-534.

7 (A) EXCEPT AS PROVIDED IN ~~§17-535~~ § 17-533 OF THIS SUBTITLE, A  
8 BROKERAGE RELATIONSHIP COMMENCES AT THE TIME THAT A CLIENT ENTERS INTO  
9 A BROKERAGE AGREEMENT AND SHALL CONTINUE UNTIL:

10 (1) THE COMPLETION OF PERFORMANCE IN ACCORDANCE WITH THE  
11 BROKERAGE AGREEMENT; OR

12 (2) THE EARLIER OF:

13 (I) ANY DATE OF EXPIRATION AS AGREED ON BY THE PARTIES IN  
14 THE BROKERAGE AGREEMENT OR IN ANY AMENDMENTS TO THE BROKERAGE  
15 AGREEMENT;

16 (II) ANY MUTUALLY AGREED ON TERMINATION OF THE  
17 BROKERAGE RELATIONSHIP;

18 (III) A DEFAULT BY ANY PARTY UNDER THE TERMS OF THE  
19 BROKERAGE AGREEMENT; OR

20 (IV) A TERMINATION UNDER ~~§17-532~~ § 17-530 OF THIS SUBTITLE.

21 (B) THE BROKERAGE AGREEMENT SHALL:

22 (1) HAVE A DEFINITE TERMINATION DATE THAT IS EFFECTIVE  
23 AUTOMATICALLY WITHOUT NOTICE FROM THE CLIENT;

24 (2) STATE THE AMOUNT OF COMPENSATION TO BE PAID TO THE BROKER  
25 AND WHETHER THE BROKER IS AUTHORIZED TO RECEIVE THE COMPENSATION  
26 FROM A PERSON OTHER THAN THE CLIENT;

27 (3) STATE WHETHER THE BROKER IS AUTHORIZED TO COOPERATE WITH  
28 OTHER BROKERS AND SHARE COMPENSATION WITH THE OTHER BROKERS AND THE  
29 AMOUNT OF THE COMPENSATION;

30 (4) EXPLAIN THE EVENTS OR CONDITIONS THAT WILL ENTITLE THE  
31 BROKER TO A COMMISSION OR OTHER COMPENSATION; AND

32 (5) CONTAIN A PROVISION FOR THE CANCELLATION OF THE  
33 BROKERAGE RELATIONSHIP BY EITHER THE CLIENT OR THE BROKER.

34 (C) EXCEPT AS OTHERWISE PROVIDED IN THE BROKERAGE AGREEMENT, A  
35 LICENSEE SHALL HAVE NO FURTHER DUTIES OR OBLIGATIONS TO A CLIENT AFTER

1 THE TERMINATION, EXPIRATION, OR COMPLETION OF PERFORMANCE OF THE  
2 BROKERAGE RELATIONSHIP, EXCEPT TO:

3 (1) ACCOUNT FOR ALL TRUST MONEY IN THE LICENSEE'S POSSESSION  
4 IN ACCORDANCE WITH THIS TITLE; AND

5 (2) EXCEPT AS OTHERWISE PROVIDED BY THIS TITLE OR ANOTHER LAW,  
6 KEEP CONFIDENTIAL ALL PERSONAL AND FINANCIAL INFORMATION RECEIVED  
7 FROM THE CLIENT DURING THE COURSE OF THE BROKERAGE RELATIONSHIP AND  
8 ANY OTHER INFORMATION THAT THE CLIENT REQUESTS DURING THE BROKERAGE  
9 RELATIONSHIP TO BE KEPT CONFIDENTIAL, UNLESS:

10 (I) THE CLIENT CONSENTS IN WRITING TO THE DISCLOSURE OF  
11 THE INFORMATION; OR

12 (II) THE INFORMATION BECOMES PUBLIC FROM A SOURCE OTHER  
13 THAN THE LICENSEE.

14 (D) THE PAYMENT OR PROMISE OF PAYMENT OF COMPENSATION TO A  
15 LICENSED REAL ESTATE BROKER BY A SELLER, LESSOR, BUYER, OR LESSEE, OR BY A  
16 LICENSEE ACTING FOR A SELLER, LESSOR, BUYER, OR LESSEE:

17 (1) IS NOT DETERMINATIVE OF WHETHER A BROKERAGE RELATIONSHIP  
18 HAS BEEN CREATED OR EXISTS; AND

19 (2) DOES NOT CREATE OR DETERMINE THE EXISTENCE OF A  
20 BROKERAGE RELATIONSHIP BETWEEN A BROKER AND A SELLER, LESSOR, BUYER,  
21 LESSEE, OR LICENSEE.

22 ~~17-537.~~ 17-535.

23 (A) ~~EXCEPT AS OTHERWISE PROVIDED IN THE BROKERAGE AGREEMENT,~~ A  
24 LICENSEE MAY NOT BE DEEMED TO BE AN AGENT OR SUBAGENT OF OR TO HAVE AN  
25 AGENCY RELATIONSHIP WITH A COMMON SOURCE INFORMATION COMPANY SOLELY  
26 BY REASON OF A LICENSEE'S PARTICIPATION IN A COMMON SOURCE INFORMATION  
27 COMPANY.

28 (B) A LICENSEE MAY NOT BE DEEMED TO BE AN AGENT OR SUBAGENT OF ANY  
29 CLIENT OF ANOTHER BROKER SOLELY BY REASON OF A LICENSEE'S PARTICIPATION  
30 IN OR USE OF A COMMON SOURCE INFORMATION COMPANY.

31 (C) A COMMON SOURCE INFORMATION COMPANY MAY NOT RESTRICT ACCESS  
32 TO ITS SERVICES TO ANY LICENSEE SOLELY BASED ON THE SIZE OR TYPE OF  
33 LICENSEE.

34 SECTION 2. AND BE IT FURTHER ENACTED, That the regulations and code  
35 of ethics adopted by the Real Estate Commission shall be consistent with this Act. If  
36 any provision of the regulations or code of ethics conflicts with this Act as of the  
37 effective date of this Act, the Commission shall amend the provision of the regulations  
38 or code of ethics to comply with this Act.

1     SECTION 3. AND BE IT FURTHER ENACTED, That any regulations that the  
2 Commission adopts to carry out the provisions of this Act shall be adopted no later  
3 than January 1, 1999.

4     SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall  
5 take effect July 1, 1998.

6     SECTION ~~3.~~ 5. AND BE IT FURTHER ENACTED, That Sections 1 and 2 of this  
7 Act shall take effect January 1, 1999 ~~except that the provisions of § 17-531 of the~~  
8 ~~Business Occupations and Professions of this Act shall take effect on July 1, 1999.~~