

# HOUSE BILL No. 5816

May 11, 1992, Introduced by Rep. Ostling and referred to the Committee on State Affairs.

A bill to amend Act No. 299 of the Public Acts of 1980, entitled as amended "Occupational code," as amended, being sections 339.101 to 339.2721 of the Michigan Compiled Laws, by adding section 2517.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 299 of the Public Acts of 1980, as  
2 amended, being sections 339.101 to 339.2721 of the Michigan  
3 Compiled Laws, is amended by adding section 2517 to read as  
4 follows:

5 SEC. 2517. (1) IN THE ABSENCE OF A WRITTEN AGREEMENT TO THE  
6 CONTRARY, A LICENSEE UNDER THIS ARTICLE IS PRESUMED TO BE AN  
7 AGENT OF THE SELLER OF REAL ESTATE.

8 (2) LICENSEES OBTAINING AN OFFER FROM A PROSPECTIVE  
9 PURCHASER SHALL DISCLOSE IN WRITING TO THE PROSPECTIVE PURCHASER

1 WHETHER THE LICENSEE IS THE AGENT OF THE PROSPECTIVE PURCHASER OR  
2 THE SELLER IN THE TRANSACTION. THE WRITTEN AGENCY DISCLOSURE  
3 STATEMENT SHALL BE PROVIDED TO THE PROSPECTIVE PURCHASER BEFORE  
4 THE SIGNING OF AN OFFER TO PURCHASE BY A PROSPECTIVE PURCHASER  
5 AND SHALL BE SIGNED AND DATED BY THE PROSPECTIVE PURCHASER. THE  
6 LICENSEE SHALL ALSO PROVIDE A COPY OF THE WRITTEN AGENCY DISCLO-  
7 SURE STATEMENT, SIGNED AND DATED BY THE PROSPECTIVE PURCHASER, TO  
8 ANY OTHER LICENSEE WHO HAS A WRITTEN LISTING AGREEMENT WITH THE  
9 SELLER AS SOON AS IS PRACTICABLE BUT NOT LATER THAN THE TIME OF  
10 THE SELLER'S ACCEPTANCE OF OR THE TIME ANY OTHER WRITTEN RESPONSE  
11 TO THE OFFER TO PURCHASE. ANY LICENSEE IN THE TRANSACTION WHO  
12 HAS A WRITTEN LISTING AGREEMENT WITH THE SELLER SHALL PROVIDE A  
13 COPY OF THE WRITTEN AGENCY DISCLOSURE STATEMENT TO THE SELLER  
14 BEFORE THE TIME OF THE SELLER'S ACCEPTANCE OF OR OTHER WRITTEN  
15 RESPONSE TO THE OFFER TO PURCHASE. IF THE SELLER HAS NOT ENTERED  
16 INTO A WRITTEN LISTING AGREEMENT WITH A LICENSEE, THE LICENSEE  
17 PRESENTING THE OFFER SHALL PROVIDE A COPY OF THE WRITTEN AGENCY  
18 DISCLOSURE STATEMENT TO THE SELLER BEFORE THE TIME OF THE  
19 SELLER'S ACCEPTANCE OF OR OTHER WRITTEN RESPONSE TO THE OFFER TO  
20 PURCHASE.

21 (3) THE WRITTEN AGENCY DISCLOSURE STATEMENT TO BE PROVIDED  
22 THE LICENSEE PURSUANT TO THIS SECTION SHALL BE IN SUBSTANTIALLY  
23 THE FOLLOWING FORM:

24 AGENCY DISCLOSURE STATEMENT

25 THE LISTING BROKER AND ALL AGENTS ASSOCIATED WITH THE LISTING  
26 BROKER REPRESENT THE SELLER. THE \_\_\_\_\_ (SELLING  
27 BROKER) AND \_\_\_\_\_ (SELLING AGENT) REPRESENT (PLEASE

1 CHECK ONE): THE PURCHASER/TENANT \_\_\_\_; THE SELLER/LANDLORD  
2 \_\_\_\_.

3 IF A BROKER/AGENT IS REPRESENTING BOTH THE PURCHASER/TENANT AND  
4 THE SELLER/LANDLORD, HE/SHE MUST ATTACH A COPY OF THE AGREEMENT  
5 SIGNED BY THE PURCHASER/TENANT AND THE SELLER/LANDLORD ACKNOWLEDGING  
6 THEIR AGREEMENT TO THIS ARRANGEMENT.

7 BY SIGNING BELOW, THE PARTIES CONFIRM THAT THEY HAVE RECEIVED,  
8 READ, AND UNDERSTOOD THE INFORMATION IN THIS AGENCY DISCLOSURE  
9 STATEMENT AND THAT THIS FORM WAS PROVIDED TO THEM BEFORE THE  
10 SELLER/LANDLORD'S ACCEPTANCE OF OR OTHER WRITTEN RESPONSE TO THE  
11 PURCHASER/TENANT'S OFFER.

12	_____	_____	_____	_____
13	PURCHASER/TENANT	DATE	SELLER/LANDLORD	DATE
14	_____	_____	_____	_____
15	PURCHASER/TENANT	DATE	SELLER/LANDLORD	DATE

16 (4) IF A PURCHASER OR A SELLER REFUSES TO SIGN THE AGENCY  
17 DISCLOSURE STATEMENT AFTER RECEIPT, A LICENSEE SHALL INDICATE  
18 SUCH REFUSAL IN THE AGENCY DISCLOSURE STATEMENT AND SHALL SIGN  
19 AND DATE THE AGENCY DISCLOSURE STATEMENT.

20 (5) AS USED IN THIS SECTION:

21 (A) "PURCHASER" MEANS A PURCHASER, TENANT, OR LESSEE OF REAL  
22 ESTATE.

23 (B) "SELLER" MEANS THE EQUITABLE OR LEGAL OWNER OR LANDLORD  
24 OF REAL ESTATE.

25 (C) "TRANSFER" OR "SALE" MEANS THE SALE OR LEASE OF ANY  
26 LEGAL OR EQUITABLE INTEREST IN REAL ESTATE.