



# HOUSE BILL No. 4057

February 2, 1993, Introduced by Reps. Joe Young, Jr. and Vorva 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 OR LESSOR OF REAL ESTATE IN ANY SALE OR LEASE  
8 OF ANY LEGAL OR EQUITABLE INTEREST OF THAT REAL ESTATE.

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

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

AGENCY DISCLOSURE STATEMENT

1  
 2 THE LISTING BROKER AND ALL AGENTS ASSOCIATED WITH THE LISTING  
 3 BROKER REPRESENT THE SELLER. THE \_\_\_\_\_ (SELLING  
 4 BROKER) AND \_\_\_\_\_ (SELLING AGENT) REPRESENT (PLEASE  
 5 CHECK ONE): THE PURCHASER/TENANT \_\_\_\_; THE SELLER/LANDLORD  
 6 \_\_\_\_.

7 IF A BROKER/AGENT IS REPRESENTING BOTH THE PURCHASER/TENANT AND  
 8 THE SELLER/LANDLORD, HE/SHE MUST ATTACH A COPY OF THE AGREEMENT  
 9 SIGNED BY THE PURCHASER/TENANT AND THE SELLER/LANDLORD ACKNOWL-  
 10 EDGING THEIR AGREEMENT TO THIS ARRANGEMENT.

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

16  
 17 PURCHASER/TENANT \_\_\_\_\_ DATE \_\_\_\_\_ SELLER/LANDLORD \_\_\_\_\_ DATE \_\_\_\_\_  
 18  
 19 PURCHASER/TENANT \_\_\_\_\_ DATE \_\_\_\_\_ SELLER/LANDLORD \_\_\_\_\_ DATE \_\_\_\_\_

20 (4) IF A PURCHASER OR A SELLER REFUSES TO SIGN THE AGENCY  
 21 DISCLOSURE STATEMENT AFTER RECEIPT, A LICENSEE SHALL INDICATE  
 22 SUCH REFUSAL IN THE AGENCY DISCLOSURE STATEMENT AND SHALL SIGN  
 23 AND DATE THE AGENCY DISCLOSURE STATEMENT.

24 (5) AS USED IN THIS SECTION:

25 (A) "PURCHASER" MEANS A PURCHASER, TENANT, OR LESSEE OF ANY  
 26 LEGAL OR EQUITABLE INTEREST IN REAL ESTATE.

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