

2024 Regular Session

HOUSE BILL NO. 366

BY REPRESENTATIVE DAVIS

1 AN ACT

2 To amend and reenact R.S. 37:1431(2), (9), (13), and (15) and to enact R.S. 37:1431(35) and
3 1448.4 , relative to Louisiana real estate license law; to provide for definitions; to
4 provide for buyer agreements; to provide for terms and conditions; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:1431(2), (9), (13), and (15) are hereby amended and reenacted
8 and R.S. 37:1431(35) and 1448.4 are hereby enacted to read as follows:

9 §1431. Definitions

10 As used in this Chapter the following words have the meaning ascribed to
11 them in this Section unless the context clearly indicates otherwise:

12 * * *

13 (2) "Agent" or "real estate agent" means a licensee acting ~~under~~ in
14 accordance with the provisions of this Chapter in a real estate transaction.

15 * * *

16 (9) "Commission" means the Louisiana Real Estate Commission unless used
17 in the context of compensation.

18 * * *

19 (13) "Individual real estate broker" means ~~an individual~~ a natural person
20 licensed as a real estate broker and does not mean a licensed corporation, limited
21 liability company, or partnership licensed as a real estate broker.

22 * * *

1 (15) "Listing agent" means ~~a licensee~~ an agent, as defined by this Section,
2 who has obtained a listing of real estate to act as an agent for compensation.

3 * * *

4 (35)(a)"Buyer agreement" means a written document signed by a broker and
5 a buyer detailing the services to be provided by the broker to the buyer.

6 (b) For the purposes of this Paragraph and R.S. 37:1448.4, the following
7 terms shall mean:

8 (i) "Buyer" means a person who utilizes the services of a real estate licensee
9 in connection with the purchase, or the submission of an offer to purchase, a home,
10 or who utilizes, or seeks to utilize, the services of a real estate licensee with the
11 objective or purported objective or entering into a contract to purchase a home.

12 (ii) "Home" means residential real property consisting of one or not more
13 than four residential dwelling units, which are buildings or structures each of which
14 is occupied or intended for occupancy as a single-family residence.

15 * * *

16 §1448.4. Buyer Agreements; requirements; authorization; exceptions

17 A.(1) A buyer agreement shall be executed between a broker and a buyer.

18 (2) The buyer agreement shall include the amount of compensation payable
19 to the broker or the manner in which the amount of compensation payable to the
20 broker shall be calculated.

21 (3) The buyer agreement may provide that sources of broker compensation
22 may include but is not limited to funds from a buyer, a seller, a listing agent, or any
23 combination thereof.

24 B. This Section shall not apply in the following circumstances:

25 (1) When a person leases or seeks to lease a home with the services of a real
26 estate licensee.

27 (2) When a person leases or purchases, or seeks to lease or purchase, property
28 other than a home with the services of a real estate licensee.

29 Section 2. The Louisiana State Law Institute is hereby authorized to update any
30 citation referenced in Louisiana Law to conform with the changes made by this Act.

1 Section 3. Section 1 of this Act shall become effective August 19, 2024.

2 Section 4. This Section and Sections 2 and 3 of this Act shall become effective upon
3 signature by the governor or, if not signed by the governor, upon expiration of the time for
4 bills to become law without signature by the governor, as provided by Article III, Section
5 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
6 by the legislature, this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____