

2026 Regular Session

HOUSE BILL NO. 1166

BY REPRESENTATIVE CARVER

1 AN ACT

2 To amend and reenact R.S. 9:3196(introductory paragraph), (2), (4), and (6), 3197(A),  
3 (B)(introductory paragraph), (3), (8), (9), and (12), 3198 (A)(1) and (2)(a), 3198.1(A)  
4 and (B), and 3199(A), and R.S. 37:1432(A) and 1455(A)(introductory paragraph)  
5 and (33), and to enact R.S. 9:3196(7), relative to real estate; to provide for  
6 definitions; to require certain disclosures; to provide for the duties of sellers and real  
7 estate agents; to provide for applicability and exemptions; to provide for the  
8 membership of the Louisiana Real Estate Commission; to provide for penalties; to  
9 provide for an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 9:3196(introductory paragraph), (2), (4), and (6), 3197(A),  
12 (B)(introductory paragraph), (3), (8), (9), and (12), 3198 (A)(1) and (2)(a), 3198.1(A) and  
13 (B), and 3199(A) are hereby amended and reenacted and R.S. 9:3196(7) is hereby enacted  
14 to read as follows:

15 CHAPTER 8. RESIDENTIAL PROPERTY DISCLOSURE REQUIREMENTS

16 §3196. Definitions

17 As used in this Chapter, the following terms have the following meanings  
18 ~~hereinafter ascribed to them:~~

19 \* \* \*



1           §3197. Applicability; exemptions

2                   A. The provisions of this Chapter ~~shall~~ apply to the transfer of any interest  
3           in residential real property or vacant residential property, whether by sale, exchange,  
4           bond for deed, lease with option to purchase, or any other option to purchase,  
5           including transactions in which the assistance of a real estate licensee is utilized and  
6           those in which such assistance is not utilized.

7                   B. The provisions of this Chapter ~~shall~~ do not apply to any of the following:

8   \*           \*           \*

9                   (3) Transfers by a mortgagee who has acquired the residential real property  
10           or vacant residential property at a sale conducted pursuant to a power of sale under  
11           a mortgage or a sale pursuant to decree of foreclosure, or who has acquired the  
12           vacant or residential property by a deed in lieu of foreclosure.

13   \*           \*           \*

14                   (8) Transfers of residential real property or vacant residential property that  
15           will be converted by the purchaser into a use other than residential use.

16                   (9) Transfers of residential real property or vacant residential property to a  
17           spouse or relative in the line of consanguinity.

18   \*           \*           \*

19                   (12) Transfers from an entity that has acquired title or assignment of a real  
20           estate contract to a piece of residential real property or vacant residential property  
21           to assist the prior owner in relocating, as long as the entity makes available to the  
22           purchaser a copy of the property disclosure statement, any inspection reports if any  
23           furnished to the entity by the prior owner, or both.

24   \*           \*           \*

25           §3198. Duties of the seller; delivery of property disclosure document; termination  
26           of real estate contract; information contained in document and inaccuracies;  
27           required disclosure of information relative to homeowners' associations and  
28           restrictive covenants; liability of seller

29                   A.(1) The seller of residential real property or vacant residential property  
30           shall complete a property disclosure document in a form prescribed by the Louisiana

1 Real Estate Commission or a form that contains at least the minimum language  
2 prescribed by the commission. ~~The promulgation of this form shall be conducted in~~  
3 ~~accordance with the Administrative Procedure Act no later than April 1, 2004.~~

4 (2)(a) Included with the property disclosure documents required by this  
5 Section shall be statements of notification to the purchaser as to whether he is  
6 obligated to be a member of a homeowners' association as a homeowner in the  
7 community in which he is purchasing property and whether the residential property  
8 or vacant residential property he is purchasing is subject to a common regime of  
9 restrictive covenants or building restrictions, or both.

10 \* \* \*

11 §3198.1. Duties of governmental entities; contaminated property

12 A. Whenever a state or local law enforcement agency becomes aware that  
13 residential real property or vacant residential property has been contaminated by its  
14 use as a clandestine methamphetamine drug lab, the agency shall report the  
15 contamination to the Department of Environmental Quality, ~~hereinafter~~ referred to  
16 in this Section as the "department", and to the local sheriff's office.

17 B. The department shall maintain a listing of residential real property or  
18 vacant residential property that has been reported as contaminated, and the list shall  
19 be made available to the public through a website.

20 \* \* \*

21 §3199. Duty of real estate licensees; liability

22 A. A real estate licensee representing a seller of residential real property or  
23 vacant residential property shall inform the seller of the duties and rights ~~under~~  
24 established in this Chapter. A real estate licensee representing a buyer of residential  
25 real property or vacant residential property shall inform the buyer of the duties and  
26 rights ~~under~~ established in this Chapter.

27 \* \* \*

28 Section 2. R.S. 37:1432(A) and 1455(A)(introductory paragraph) and (33) are  
29 hereby amended and reenacted to read as follows:

1 §1432. Louisiana Real Estate Commission; qualifications; terms of office

2 A. The Louisiana Real Estate Commission is hereby created within the office  
3 of the governor. The commission shall consist of eleven members appointed by the  
4 governor. ~~One member shall be appointed from each of the seven supreme court~~  
5 ~~districts. Two members shall be appointed at large. Two members shall be~~  
6 ~~appointed from the following districts: one appointee from either the Fourth~~  
7 ~~Congressional District or the Fifth Congressional District and one appointee from~~  
8 ~~either the First, Second, Third, or Sixth Congressional District. One member shall~~  
9 ~~be appointed from each congressional district, and the remaining members shall be~~  
10 ~~appointed at large.~~ Each appointment by the governor shall be submitted to the  
11 Senate for confirmation.

12 \* \* \*

13 §1455. Causes for censure, suspension, or revocation of license, registration, or  
14 certification

15 A. The commission may censure a licensee, registrant, or certificate holder  
16 or conditionally or unconditionally suspend or revoke any license, registration, or  
17 certificate issued ~~under~~ pursuant to this Chapter, levy fines, or impose civil penalties  
18 not to exceed five thousand dollars, or impose continuing education requirements on  
19 licensees, registrants, or certificate holders if, in the opinion of the commission, a  
20 licensee, registrant, or certificate holder is performing or attempting to perform or  
21 has performed or has attempted to perform any of the following acts:

22 \* \* \*

23 (33) Failure by a licensee ~~to provide~~ who represents a buyer or seller ~~with~~  
24 ~~a written property disclosure form for sales and certain leases involving residential~~  
25 ~~real property pursuant to~~ of residential real property or vacant residential property  
26 to inform such buyer or seller of the duties and rights regarding the written property  
27 disclosure form requirements pursuant to R.S. 9:3196 et seq.

28 \* \* \*

29 Section 3. R.S. 37:1432(A) as amended and reenacted by Section 2 of this Act shall  
30 not be construed to change the existing term of appointment for any member of the

1 Louisiana Real Estate Commission who is serving as a commissioner on the effective date  
2 of this Act.

3 Section 4. This Act shall become effective January 1, 2027.

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE

---

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_