

SESSION OF 2002

SUPPLEMENTAL NOTE ON SENATE BILL NO. 439

As Amended by House Committee on
Business, Commerce and Labor

Brief*

SB 439 is largely a technical/cleanup bill which amends both the Real Estate Brokers' and Salespersons' License Act and the Kansas Brokerage Relationships in Real Estate Transactions Act. The bill would make the following changes to existing law:

- ! Correct the statutory reference to the definition of "broker" throughout the act.
- ! Clarify that the Real Estate Commission may revoke, suspend, or take other appropriate administrative action against a licensee if the licensee violates a lawful order of the Commission.
- ! Clarify that the Commission is authorized to consider the same factors for license renewal that are considered for issuance of an original license.
- ! Modify the statute of limitations on licensees who violate a lawful order of the Commission or who have obtained a license by false or fraudulent representation. Unless the violation is not readily ascertainable, complaints shall be commenced within three years from the date of the violation. If the violation is not readily ascertainable, complaints shall be commenced three years from the date the violation is ascertained by the Commission.
- ! Allow the Commission to condition a license as a result of a disciplinary proceeding conducted in accordance with the Kansas Administrative Procedures Act.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.accesskansas.org/legislature/>

! Clarify that “dual agency” (entering into an agency relationship with both the buyer and the seller) is prohibited in Kansas, even if disclosed to the principals.

The Senate Committee amended the bill to revise the statute of limitations provision concerning violations of a lawful order of the Commission.

The Senate Committee of the Whole added the language concerning false or fraudulent representations to the statute of limitations provision.

The House Committee amendments were clarifying in nature.

Background

SB 439 was requested by the Kansas Real Estate Commission to make several cleanup changes to existing law.

The fiscal note indicates that passage of SB 439 would not result in additional expenditures, and that cost savings may result.