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ENGROSSED SUBSTITUTE HOUSE BILL 2059

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State of Washington

67th Legislature

2022 Regular Session

**By** House Consumer Protection & Business (originally sponsored by Representatives Gregerson, Leavitt, Morgan, Vick, Gilday, Rude, Chapman, Barkis, and Lekanoff)

READ FIRST TIME 02/02/22.

1 AN ACT Relating to real estate agency law, but only to clarify  
2 that the statutory duties of real estate brokers apply to all parties  
3 and prohibiting the delivery of buyer unfair practice letters to the  
4 seller of residential real estate; and amending RCW 18.86.030.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 18.86.030 and 2013 c 58 s 3 are each amended to read  
7 as follows:

8 (1) Regardless of whether a broker is an agent, (~~the~~) a broker  
9 (~~owes to all parties to whom the broker~~) who renders real estate  
10 brokerage services owes the following duties to all parties, which  
11 may not be waived:

12 (a) To exercise reasonable skill and care;

13 (b) To deal honestly and in good faith;

14 (c) To present all written offers, written notices and other  
15 written communications to and from either party in a timely manner,  
16 regardless of whether the property is subject to an existing contract  
17 for sale or the buyer is already a party to an existing contract to  
18 purchase;

19 (d) To disclose all existing material facts known by the broker  
20 and not apparent or readily ascertainable to a party; provided that

1 this subsection shall not be construed to imply any duty to  
2 investigate matters that the broker has not agreed to investigate;

3 (e) To account in a timely manner for all money and property  
4 received from or on behalf of either party;

5 (f) To provide a pamphlet on the law of real estate agency in the  
6 form prescribed in RCW 18.86.120 to all parties to whom the broker  
7 renders real estate brokerage services, before the party signs an  
8 agency agreement with the broker, signs an offer in a real estate  
9 transaction handled by the broker, consents to dual agency, or waives  
10 any rights, under RCW 18.86.020(1)(e), 18.86.040(1)(e),  
11 18.86.050(1)(e), or 18.86.060(2)(e) or (f), whichever occurs  
12 earliest; and

13 (g) To disclose in writing to all parties to whom the broker  
14 renders real estate brokerage services, before the party signs an  
15 offer in a real estate transaction handled by the broker, whether the  
16 broker represents the buyer, the seller, both parties, or neither  
17 party. The disclosure shall be set forth in a separate paragraph  
18 entitled "Agency Disclosure" in the agreement between the buyer and  
19 seller or in a separate writing entitled "Agency Disclosure."

20 (2) Unless otherwise agreed, a broker owes no duty to conduct an  
21 independent inspection of the property or to conduct an independent  
22 investigation of either party's financial condition, and owes no duty  
23 to independently verify the accuracy or completeness of any statement  
24 made by either party or by any source reasonably believed by the  
25 broker to be reliable.

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