

**House File 2326 - Introduced**

HOUSE FILE 2326  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 595)

**A BILL FOR**

1 An Act relating to real estate brokers, and the rental or  
2 leasing of real estate, and including effective date and  
3 applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 543B.3, unnumbered paragraph 1, Code  
2 2024, is amended to read as follows:

3 As used in **this chapter**, “*real estate broker*” means a person  
4 acting for another for a fee, commission, or other compensation  
5 or promise, whether it be for all or part of a person’s time,  
6 and who engages ~~directly or indirectly~~ in any of the following  
7 acts:

8 Sec. 2. NEW SECTION. **543B.7A Exclusions — rental or**  
9 **leasing on behalf of another.**

10 This chapter shall not apply to any of the following:

11 1. A person, limited liability company, or limited  
12 partnership who engages in any act under section 543B.3 that  
13 is related to the rental or leasing of real estate on behalf  
14 of a partnership, limited partnership, corporation, or limited  
15 liability company, and the person, limited liability company,  
16 or limited partnership maintains an ownership interest in the  
17 partnership, limited partnership, corporation, or limited  
18 liability company.

19 2. A person who engages in any act under section 543B.3 that  
20 is related to the rental or leasing of real estate on behalf  
21 of a partnership, limited partnership, corporation, or limited  
22 liability company, and the person has an ownership interest in  
23 the partnership, limited partnership, corporation, or limited  
24 liability company, which is a parent or subsidiary of, or  
25 under common control with the leasing partnership, limited  
26 partnership, corporation, or limited liability company.

27 3. A person who is a nonlicensed employee of a real estate  
28 broker and who engages in advertising, showing, listing,  
29 collection of rents and deposits, procuring of prospects,  
30 completing form agreements, and executing form agreements as  
31 it relates to the rental of real estate under chapter 562A or  
32 562B.

33 Sec. 3. **EFFECTIVE DATE.** This Act, being deemed of immediate  
34 importance, takes effect upon enactment.

35 Sec. 4. **RETROACTIVE APPLICABILITY.** This Act applies to

1 proceedings before the real estate commission created in  
2 section 543B.8, other administrative proceedings before a  
3 state agency or department, and judicial proceedings before  
4 a court, that are not finally adjudicated or are otherwise  
5 pending on the effective date of this Act, except to the extent  
6 such application would affect a person's contractual or vested  
7 rights.

8

EXPLANATION

9           The inclusion of this explanation does not constitute agreement with  
10           the explanation's substance by the members of the general assembly.

11       This bill relates to real estate brokers, and the rental or  
12 leasing of real estate.

13       Under current law, a real estate broker is defined as a  
14 person acting for another for a fee, commission, or other  
15 compensation or promise, who engages directly or indirectly in  
16 the acts enumerated in the bill. Under the bill, a real estate  
17 broker is defined as a person acting for another for a fee,  
18 commission, or other compensation or promise, who engages in  
19 the acts enumerated in the bill.

20       The bill creates an exception to Code chapter 543B for a  
21 person, limited liability company, or limited partnership who  
22 engages in any act that is related to the rental or leasing of  
23 real estate on behalf of a partnership, limited partnership,  
24 corporation, or limited liability company, and the person,  
25 limited liability company, or limited partnership maintains an  
26 ownership interest in the partnership, limited partnership,  
27 corporation, or limited liability company. The bill creates  
28 an exception to Code chapter 543B for a person who engages  
29 in an act related to the rental or leasing of real estate on  
30 behalf of a partnership, limited partnership, corporation, or  
31 limited liability company, and the person has an ownership  
32 interest in the partnership, limited partnership, corporation,  
33 or limited liability company, which is a parent or subsidiary  
34 of, or under common control with the leasing partnership,  
35 limited partnership, corporation, or limited liability company.

1 The bill also creates an exception to the Code chapter for a  
2 person who is a nonlicensed employee of a real estate broker  
3 and who engages in advertising, showing, listing, collecting  
4 of rents and deposits, procuring of prospects, completing form  
5 agreements, and executing form agreements as it relates to the  
6 rental of real estate under Code chapter 562A or 562B.

7 The bill takes effect upon enactment.

8 The bill applies to all proceedings that are not finally  
9 adjudicated or are otherwise pending on the effective date of  
10 the bill, except to the extent such application would affect a  
11 person's contractual or vested rights.