

JAN 19 2024

A BILL FOR AN ACT

RELATING TO EXCLUSIVE LISTING AGREEMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. This Act shall be known, and may be cited, as
2 the Exclusive Listing Agreements Act.

3 SECTION 2. The legislature finds that long-term exclusive
4 listing agreements, and the recording of exclusive listing
5 agreements, unfairly encumbers a property owner's title, reduces
6 their equity, and has an anti-competitive effect on the sale of
7 real estate.

8 Accordingly, the purpose of this Act is to:

- 9 (1) Prohibit exclusive listing agreements for the sale of
10 real estate, including agreements to enter into any
11 such agreement or arrangement, lasting longer than
12 twelve months; and
- 13 (2) Prohibit the recording of exclusive listing agreements
14 of any duration for the sale of real estate, including
15 agreements to enter into the agreement or arrangement.



1 SECTION 3. Chapter 481B, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§481B- Exclusive listing agreements; prohibited. (a)

5 It is unlawful for an exclusive listing agreement to last longer
6 than twelve months from the date the agreement was made.

7 (b) It is unlawful to present for recording or filing, or
8 otherwise attempt to record to file, with the bureau of
9 conveyances an exclusive listing agreement of any duration or
10 any memoranda or notice of an exclusive listing agreement.

11 (c) It is unlawful to enforce, or attempt to enforce, an
12 exclusive listing agreement that is made, or that is presented
13 for recording or filing with the bureau of conveyances, in
14 violation of this section.

15 (d) An exclusive listing agreement that is made or that is
16 presented for recording or filing with the bureau of conveyances
17 in violation of this section shall be void and unenforceable.
18 An owner who entered into an exclusive listing agreement may
19 retain any consideration received thereunder.

20 (e) A violation of this section shall be deemed an unfair
21 or deceptive practice in accordance with section 480-2, and



1 shall be subject to the provisions of chapter 480, as well as
2 the provisions of this chapter.

3 (f) For the purposes of this section, "exclusive listing
4 agreement" means a contract or agreement providing an exclusive
5 right to list or sell real estate, including a contract or
6 agreement to enter into an agreement or arrangement."

7 SECTION 4. Chapter 502, Hawaii Revised Statutes, is
8 amended by adding a new section to part IV be appropriately
9 designated and to read as follows:

10 "§502- Exclusive listing agreements; prohibited. (a)
11 It is unlawful to present for recording or filing, or otherwise
12 attempt to record or file, with the bureau of conveyances an
13 exclusive listing agreement of any duration or any memoranda or
14 notice of such agreement. A violation of this section shall be
15 deemed a violation of section 481B- .

16 (b) For the purpose of this section, "exclusive listing
17 agreement" has the same meaning as provided in section 481B- ."

18 SECTION 5. New statutory material is underscored.

19 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: 



S.B. NO. 2864

Report Title:

Exclusive Listing Agreements; Real Property; Prohibitions;
Bureau of Conveyances; Unfair or Deceptive Practice

Description:

Makes it unlawful for an exclusive listing agreement to last longer than 12 months from the date the agreement was made. Makes it unlawful to present for recording or filing, or to otherwise attempt to record or file, an exclusive listing agreement of any duration.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

