

324.121 Designation of licensee as exclusive agent -- Effect of designation -- Availability of dual agency.

- (1) A principal broker may designate one (1) or more affiliated licensees to act as agent for a seller or lessor, to the exclusion of all other licensees affiliated with the principal broker. A principal broker may designate one (1) or more affiliated licensees to act as agent for a buyer or lessee, or prospective buyer or lessee to the exclusion of all other licensees affiliated with the principal broker. The designation procedure shall be made in writing and communicated to all licensees affiliated with the principal broker. The designated agent shall inform and obtain the consent of the buyer or lessee, or prospective buyer or lessee to the designation. The designated agent shall inform and obtain the consent of the seller or lessor to the designation. The principal broker shall not designate himself or herself as a designated agent.
- (2) If a principal broker designates one (1) or more licensees to represent the seller and one (1) or more other licensees to represent the buyer or the prospective buyer in the same transaction, only the principal broker or a designated manager working under the principal broker's direction shall be deemed to be a dual agent representing the seller and buyer in a limited fiduciary capacity. As a dual agent, the principal broker or designated manager shall keep confidential information relating to either party in an individual file that shall be maintained and accessed by the principal broker or designated manager only. As a dual agent, the principal broker or designated manager shall not disclose to either party confidential information learned relative to the other party. Except as set forth in subsection (3) of this section, this designation shall not affect the principal broker's or designated manager's agency relationships in cooperative sales between consumers separately represented by nonaffiliated principal brokers or designated managers.
- (3) No exchange of information or knowledge between or among consumers, whether the seller, buyer, lessor, or lessee, and the principal broker, the designated manager, the firm, or the licensees shall be imputed as a matter of law in any real estate transaction.
- (4) Nothing in this section shall prevent a real estate brokerage firm or licensee from entering into a dual agency relationship with consumers in a real estate transaction.

Effective: June 25, 2009

History: Amended 2009 Ky. Acts ch. 58, sec. 14, effective June 25, 2009. -- Amended 2004 Ky. Acts ch. 45, sec. 5, effective July 13, 2004. -- Amended 2000 Ky. Acts ch. 488, sec. 13, effective July 14, 2000. -- Created 1998 Ky. Acts ch. 533, sec. 1, effective July 15, 1998.