

CALIFORNIA DEPARTMENT OF REAL ESTATE
IMPLEMENTATION OF AB 2992 (2024) REGARDING BUYER-BROKER
REPRESENTATION AGREEMENTS
TITLE 10, CHAPTER 6, ARTICLE 18.1, SECTIONS 2908.1, 2908.2, AND 2908.3

NOTICE OF MODIFICATION TO TEXT OF PROPOSED REGULATIONS

Pursuant to the requirements of Government Code section 11346.8(c) and Section 44 of Title 1 of the California Code of Regulations, the Real Estate Commissioner and the Department of Real Estate (collectively "DRE") hereby provide notice of changes to proposed regulation Section 2908.1 which was subject to a public comment period beginning on June 27, 2025, and ending on August 12, 2025. *The text of proposed regulation Section 2908.1 with proposed modifications is attached to this Notice.* The text of proposed regulations Sections 2908.2 and 2908.3 remain unchanged.

DRE will accept written comments on the proposed modifications to proposed regulation Section 2908.1 from August 16, 2025, to 5:00 p.m. on September 3, 2025.

Written comments may be submitted by mail to:

Department of Real Estate
Attn: Dea Franck, Sacramento Legal Office
651 Bannon Street, Suite 507
Sacramento, CA 95811

Written comments may also be submitted via e-mail to:

DRE.RegComments@dre.ca.gov

All written comments received by 5:00 p.m. on September 3, 2025, which pertain to the indicated changes will be reviewed by DRE and will be summarized and responded to in the Final Statement of Reasons. Please limit your comments to the modifications to the text of proposed regulation Section 2908.1.

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DRAFT OF MODIFIED REGULATION TEXT

The original proposed regulation text submitted for 45-day public comment is shown below in single underlined font. The proposed modifications to proposed regulation Section 2908.1 for this 15-day notice and comment period are shown below in double-underlined, bold font for additions and double-strikethrough font for deletions.

ARTICLE 18.1. BUYER-BROKER REPRESENTATION AGREEMENTS

§ 2908.1. Term Limitations.

(a) The term “three months” as used in Section 1670.50(d)(1) and (2) of the Civil Code shall mean 90 calendar days with the first day starting on the day following the day that the last party signs the agreement, unless the parties agree in the agreement to a **delayed effective date for a** different starting date, in which case the 90 calendar days shall start on the agreed-upon date.

(b) The maximum three-month term limitations set forth in Section 1670.50(d)(1) and (2) of the Civil Code shall not apply to buyer-broker representation agreements between real estate brokers and corporations, limited liability companies, or partnerships.

(c) Buyer-broker representation agreements required pursuant to Section 1670.50 of the Civil Code shall not renew automatically.

(d) The parties may renew their buyer-broker representation agreement, but any renewal shall be in writing, signed by the parties **prior to the expiration of the original agreement**, and shall not exceed the term limitations set forth in Section 1670.50(d)(1) and (2) of the Civil Code. **The effective date of the renewal shall be the day the last party signs the renewal agreement.**

NOTE: Authority cited: Section 10080, Business and Professions Code. Reference: Sections 1670.50 and 2079.13, Civil Code.

§ 2908.2. Timing of Agreement Execution.

(a) Section 1670.50(a) of the Civil Code provides that "[a] buyer-broker representation agreement shall be executed between a buyer's agent and a buyer as soon as practicable, but no later than the execution of the buyer's offer to purchase real property." For purposes of this section, there shall be a rebuttable presumption that it is practicable for a buyer's agent to obtain a signed buyer-broker representation agreement before the buyer's agent, or a salesperson or broker associate affiliated with that agent, shows a buyer a property in person or virtually.

(b) A virtual showing occurs when a buyer's agent, or a salesperson or broker associate affiliated with that agent, at the direction of that buyer, enters into or onto property that is for sale to provide to that buyer who is not physically present a live or recorded, digital walk-through of that property, including, but not limited to, images of the property's exterior or interior features.

(c) A seller's agent acting solely on behalf of a seller is not acting as a buyer's agent in showing a property to potential buyers, whether at an open house or any other showing.

NOTE: Authority cited: Section 10080, Business and Professions Code. Reference: Sections 1670.50 and 2079.13, Civil Code.

§ 2908.3. Agreement Required For Real Estate Brokers Representing Buyers of Real Property.

Buyer-broker representation agreements are only required if real estate brokers are performing services for or on behalf of buyers of real property or an interest in real property for which a real estate license is required as described in subdivision (a) of Section 10131 of the Business and Professions Code.

NOTE: Authority cited: Section 10080, Business and Professions Code. Reference: Sections 1670.50 and 2079.13, Civil Code; Section 10131, Business and Professions Code.