

2026 Regular Session

HOUSE BILL NO. 1166

BY REPRESENTATIVE CARVER

REAL ESTATE: Provides relative to real estate

1 AN ACT

2 To amend and reenact R.S. 9:3196(introductory paragraph), (2), (4), and (6), 3197(A),
3 (B)(introductory paragraph), (3), (8), (9), and (12), 3198 (A)(1) and (2)(a), 3198.1(A)
4 and (B), and 3199(A), and R.S. 37:1432(A) and 1455(A)(introductory paragraph)
5 and (33), and to enact R.S. 9:3196(7), relative to real estate; to provide for
6 definitions; to require certain disclosures; to provide for the duties of sellers and real
7 estate agents; to provide for applicability and exemptions; to provide for the
8 membership of the Louisiana Real Estate Commission; to provide for penalties; to
9 provide for an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 9:3196(introductory paragraph), (2), (4), and (6), 3197(A),
12 (B)(introductory paragraph), (3), (8), (9), and (12), 3198 (A)(1) and (2)(a), 3198.1(A) and
13 (B), and 3199(A) are hereby amended and reenacted and R.S. 9:3196(7) is hereby enacted
14 to read as follows:

15 CHAPTER 8. RESIDENTIAL PROPERTY DISCLOSURE REQUIREMENTS

16 §3196. Definitions

17 As used in this Chapter, the following terms have the following meanings
18 ~~hereinafter ascribed to them:~~

19 * * *

1 §3197. Applicability; exemptions

2 A. The provisions of this Chapter ~~shall~~ apply to the transfer of any interest
3 in residential real property or vacant residential property, whether by sale, exchange,
4 bond for deed, lease with option to purchase, or any other option to purchase,
5 including transactions in which the assistance of a real estate licensee is utilized and
6 those in which such assistance is not utilized.

7 B. The provisions of this Chapter ~~shall~~ do not apply to any of the following:

8 * * *

9 (3) Transfers by a mortgagee who has acquired the residential real property
10 or vacant residential property at a sale conducted pursuant to a power of sale under
11 a mortgage or a sale pursuant to decree of foreclosure, or who has acquired the
12 vacant or residential property by a deed in lieu of foreclosure.

13 * * *

14 (8) Transfers of residential real property or vacant residential property that
15 will be converted by the purchaser into a use other than residential use.

16 (9) Transfers of residential real property or vacant residential property to a
17 spouse or relative in the line of consanguinity.

18 * * *

19 (12) Transfers from an entity that has acquired title or assignment of a real
20 estate contract to a piece of residential real property or vacant residential property
21 to assist the prior owner in relocating, as long as the entity makes available to the
22 purchaser a copy of the property disclosure statement, any inspection reports if any
23 furnished to the entity by the prior owner, or both.

24 * * *

25 §3198. Duties of the seller; delivery of property disclosure document; termination
26 of real estate contract; information contained in document and inaccuracies;
27 required disclosure of information relative to homeowners' associations and
28 restrictive covenants; liability of seller

1 Section 2. R.S. 37:1432(A) and 1455(A)(introductory paragraph) and (33) are
2 hereby amended and reenacted to read as follows:

3 §1432. Louisiana Real Estate Commission; qualifications; terms of office

4 A. The Louisiana Real Estate Commission is hereby created within the office
5 of the governor. The commission shall consist of eleven members appointed by the
6 governor. ~~One member shall be appointed from each of the seven supreme court~~
7 ~~districts. Two members shall be appointed at large. Two members shall be~~
8 ~~appointed from the following districts: one appointee from either the Fourth~~
9 ~~Congressional District or the Fifth Congressional District and one appointee from~~
10 ~~either the First, Second, Third, or Sixth Congressional District. One member shall~~
11 ~~be appointed from each congressional district, and the remaining members shall be~~
12 ~~appointed at large.~~ Each appointment by the governor shall be submitted to the
13 Senate for confirmation.

14 * * *

15 §1455. Causes for censure, suspension, or revocation of license, registration, or
16 certification

17 A. The commission may censure a licensee, registrant, or certificate holder
18 or conditionally or unconditionally suspend or revoke any license, registration, or
19 certificate issued ~~under~~ pursuant to this Chapter, levy fines, or impose civil penalties
20 not to exceed five thousand dollars, or impose continuing education requirements on
21 licensees, registrants, or certificate holders if, in the opinion of the commission, a
22 licensee, registrant, or certificate holder is performing or attempting to perform or
23 has performed or has attempted to perform any of the following acts:

24 * * *

25 (33) Failure by a licensee ~~to provide~~ who represents a buyer or seller ~~with~~
26 ~~a written property disclosure form for sales and certain leases involving residential~~
27 ~~real property pursuant to~~ of residential real property or vacant residential property
28 to inform such buyer or seller of the duties and rights regarding the written property
29 disclosure form requirements pursuant to R.S. 9:3196 et seq.

1 * * *

2 Section 3. R.S. 37:1432(A) as amended and reenacted by Section 2 of this Act shall
3 not be construed to change the existing term of appointment for any member of the
4 Louisiana Real Estate Commission who is serving as a commissioner on the effective date
5 of this Act.

6 Section 4. This Act shall become effective January 1, 2027.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1166 Reengrossed 2026 Regular Session Carver

Abstract: Requires a vacant property disclosure form in real estate transactions and requires distribution of certain information to buyers and sellers and amends the membership of the Real Estate Commission.

Present law defines "property disclosure document", "real estate contract", and "seller".

Proposed law retains present law but also defines "vacant residential property" and includes the term within the definitions of "property disclosure document", "real estate contract", and "seller".

Present law provides for the applicability of present law and provides exceptions.

Proposed law retains present law and adds vacant residential property relative to applicability and certain exceptions.

Present law establishes duties and liabilities for the sellers of property, requires a property disclosure, and permits termination of real estate contracts under certain circumstances.

Proposed law retains present law and adds vacant residential property.

Present law requires a state or local law enforcement agency to report contamination to the Dept. of Environmental Quality when it becomes aware that a residential real property has been contaminated by its use as a clandestine methamphetamine drug lab and provides a mechanism for publishing to the public.

Proposed law retains present law and adds vacant residential property.

Present law requires a real estate licensee representing a seller of residential real property to inform the seller of the duties and rights established in present law. Also requires a real estate licensee representing a buyer of residential real property to inform the buyer of such duties and rights.

Proposed law retains present law and adds vacant residential property.

Present law provides for the Louisiana Real Estate Commission (commission).

Present law provides that the commission shall consist of 11 members appointed by the governor. One member shall be appointed from each of the seven supreme court districts. Two members shall be appointed at large. Two members shall be appointed from the following districts: one appointee from either the Fourth Congressional District or the Fifth Congressional District and one appointee from either the First, Second, Third, or Sixth Congressional District.

Proposed law instead provides that for the 11 members of the commission, one member shall be appointed from each congressional district, and the remaining members shall be appointed at large.

Present law provides that a failure by a real estate licensee to provide a buyer or seller with a written property disclosure in certain circumstances is grounds for the commission to censure, suspend, revoke the license, registration, or certification of a real estate licensee, levy fines, impose civil penalties, or impose continuing education requirements.

Proposed law amends present law to provide that failure by a licensee who represents a buyer or seller of residential real property or vacant residential property to inform the buyer or seller of the duties and rights regarding the written property disclosure form requirements pursuant to present law is grounds for the commission to censure, suspend, revoke the license, registration, or certification of a real estate licensee, levy fines, impose civil penalties, or impose continuing education requirements.

Effective Jan. 1, 2027.

(Amends R.S. 9:3196(intro. para.), (2), (4), and (6), 3197(A), (B)(intro. para.), (3), (8), (9), and (12), 3198 (A)(1), and (2)(a), 3198.1(A) and (B), and 3199(A), and R.S. 37:1432(A) and 1455(A)(intro. para.) and (33); Adds R.S. 9:3196(7))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Change the membership of the Real Estate Commission.
3. Provide for applicability of certain provisions of proposed law.