

(ii) as a dual agent the real estate broker represents both the seller and the buyer and there may be a conflict of interest because the interests of the seller and the buyer may be different or adverse;

(iii) as a dual agent the real estate broker does not owe undivided loyalty to either the seller or the buyer;

(iv) except as otherwise required by this title, a dual agent may not disclose information that a seller or buyer in a real estate transaction requests to remain confidential to the buyer or seller in the same real estate transaction;

(v) unless authorized by the seller, a dual agent may not tell a buyer that the seller will accept a price lower than the listing price or accept terms other than those contained in the listing agreement or suggest that the seller accept a lower price in the presence of the buyer;

(vi) unless authorized by the buyer, a dual agent may not tell a seller that the buyer is willing to pay a price higher than the price the buyer offered or accept terms other than those contained in the offer of the buyer or suggest that the buyer pay a higher price in the presence of the seller;

(vii) a dual agent may not disclose the motivation of a buyer or seller or the need or urgency of a seller to sell or a buyer to buy;

(viii) except as otherwise required by this title, if the information is confidential, a dual agent may not disclose any facts that lead the seller to sell;

(ix) the buyer or seller does not have to consent to the dual agency;

(x) the buyer or seller has voluntarily consented to the dual agency;

and

(xi) the terms of the dual agency are understood by the buyer or seller.

(4) (I) A CAUSE OF ACTION MAY NOT ARISE AGAINST A LICENSEE FOR DISCLOSURE OF THE DUAL AGENCY RELATIONSHIP AS PROVIDED BY THIS SECTION.

(II) A DUAL AGENT DOES NOT TERMINATE ANY BROKERAGE RELATIONSHIP BY MAKING ANY REQUIRED DISCLOSURE OF DUAL AGENCY.

(5) (I) IN ANY RESIDENTIAL REAL ESTATE TRANSACTION, A LICENSEE MAY WITHDRAW FROM REPRESENTING A CLIENT WHO REFUSES TO CONSENT TO A DISCLOSED DUAL AGENCY AND TO TERMINATE THE BROKERAGE RELATIONSHIP WITH THE CLIENT.

(II) THE WITHDRAWAL MAY NOT PREJUDICE THE ABILITY OF THE LICENSEE TO CONTINUE TO REPRESENT THE OTHER CLIENT IN THE TRANSACTION, NOR TO LIMIT THE LICENSEE FROM REPRESENTING THE CLIENT WHO REFUSED THE DUAL AGENCY IN OTHER TRANSACTIONS NOT INVOLVING DUAL AGENCY.

(e) (1) The State Real Estate Commission shall require a licensed real estate broker, licensed associate real estate broker, or licensed real estate salesperson