

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 920

AN ACT

To repeal section 339.190, RSMo, and to enact in lieu thereof one new section relating to real estate licensees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Section 339.190, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 339.190,
3 to read as follows:

4 339.190. 1. A real estate licensee shall be immune from
5 liability for statements made by engineers, land surveyors,
6 geologists, environmental hazard experts, wood-destroying
7 inspection and control experts, termite inspectors, mortgage
8 brokers, home inspectors, or other home inspection experts
9 unless:

10 (1) The statement was made by a person employed by the
11 licensee or the broker with whom the licensee is associated;

12 (2) The person making the statement was selected by and
13 engaged by the licensee. For purposes of this section, the
14 ordering of a report or inspection alone shall not constitute
15 selecting or engaging a person; or

16 (3) The licensee knew prior to closing that the statement
17 was false or the licensee acted in reckless disregard as to
18 whether the statement was true or false.

1 2. A real estate licensee shall not be the subject of any
2 action and no action shall be instituted against a real estate
3 licensee for any information contained in a seller's disclosure
4 for residential, commercial, industrial, farm, or vacant real
5 estate furnished to a buyer, unless the real estate licensee is a
6 signatory to such or the licensee knew prior to closing that the
7 statement was false or the licensee acted in reckless disregard
8 as to whether the statement was true or false.

9 3. A real estate licensee acting as a courier of documents
10 referenced in this section shall not be considered to be making
11 the statements contained in such documents.

12 4. A real estate licensee shall not be the subject of any
13 action and no action shall be instituted against a real estate
14 licensee for the accuracy of any information about the size or
15 area, in square footage or otherwise, of a property or of
16 improvements on the property if the real estate licensee obtains
17 the information from a source other than the real estate licensee
18 or the seller and the licensee discloses the source of the
19 information, unless the real estate licensee knew the information
20 was false at the time the real estate licensee transmitted or
21 published the information or the licensee acted with reckless
22 disregard as to whether such information was true or false.