

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 36

AN ACT

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

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

1 Section A. Section 339.190, RSMo, is repealed and two new
2 sections enacted in lieu thereof, to be known as sections 339.190
3 and 442.135, 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

1 whether the statement was true or false.

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

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

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

25 442.135. 1. If a property is subdivided and a new property
26 description is created, such property description shall include
27 the name, and professional license number, if applicable, of the
28 person that created the property description.

