

FIRST REGULAR SESSION

SENATE BILL NO. 36

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0683S.011

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:

Section A. Section 339.190, RSMo, is repealed and one new section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

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

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

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

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

12 2. A real estate licensee shall not be the subject of any action and no
13 action shall be instituted against a real estate licensee for any information
14 contained in a seller's disclosure for residential, commercial, industrial, farm, or
15 vacant real estate furnished to a buyer, unless the real estate licensee is a
16 signatory to such or the licensee knew prior to closing that the statement was
17 false or the licensee acted in reckless disregard as to whether the statement was
18 true or false.

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

21 such documents.

22 4. A real estate licensee shall not be the subject of any action and
23 no action shall be instituted against a real estate licensee for the
24 accuracy of any information about the size or area, in square footage
25 or otherwise, of a property or of improvements on the property if the
26 real estate licensee obtains the information from a source other than
27 the real estate licensee or the seller and the licensee discloses the
28 source of the information, unless the real estate licensee knew the
29 information was false at the time the real estate licensee transmitted
30 or published the information or the licensee acted with reckless
31 disregard as to whether such information was true or false.

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Bill

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