

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 36

100TH GENERAL ASSEMBLY

2019

0683S.03T

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:

Section A. Section 339.190, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 339.190 and 442.135, to read as
3 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 third party and the
27 licensee discloses the source of the information prior to an offer to
28 purchase being transmitted to the seller, unless the real estate licensee
29 knew the information was false at the time the real estate licensee
30 transmitted or published the information or the licensee acted with
31 reckless disregard as to whether such information was true or false.

 442.135. 1. If a property is subdivided and a new property
2 description is created, such property description shall include the
3 name, and professional license number, if applicable, of the person that
4 created the property description.

5 2. No person shall submit for recording a conveyance of any
6 property under subsection 1 of this section unless the property
7 description of such property contains the information required in
8 subsection 1 of this section.

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