

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 204, Page 46, Section 337.050, Line 96,
2 by inserting after all of said section and line the following:

3
4 "337.068. 1. If the board finds merit to a complaint by an individual incarcerated or under
5 the care and control of the department of corrections or who has been ordered to be taken into
6 custody, detained, or held under sections 632.480 to 632.513 or who has been ordered to be
7 evaluated under chapter 552 and takes further investigative action, no documentation may appear on
8 file or disciplinary action may be taken in regards to the licensee's license unless the provisions of
9 subsection 2 of section 337.035 have been violated. Any case file documentation that does not
10 result in the board filing an action pursuant to subsection 2 of section 337.035 shall be destroyed
11 within three months after the final case disposition by the board. No notification to any other
12 licensing board in another state or any national registry regarding any investigative action shall be
13 made unless the provisions of subsection 2 of section 337.035 have been violated.

14 2. Upon written request of the psychologist subject to a complaint, prior to August 28, 1999,
15 by an individual incarcerated or under the care and control of the department of corrections or prior
16 to August 28, 2008, by an individual who has been ordered to be taken into custody, detained, or
17 held under sections 632.480 to 632.513, or prior to August 28, 2019, by an individual who has been
18 ordered to be evaluated under chapter 552 that did not result in the board filing an action pursuant to
19 subsection 2 of section 337.035, the board and the division of professional registration, shall in a
20 timely fashion:

- 21 (1) Destroy all documentation regarding the complaint;
22 (2) Notify any other licensing board in another state or any national registry regarding the
23 board's actions if they have been previously notified of the complaint; and
24 (3) Send a letter to the licensee that clearly states that the board found the complaint to be
25 unsubstantiated, that the board has taken the requested action, and notify the licensee of the
26 provisions of subsection 3 of this section.

27 3. Any person who has been the subject of an unsubstantiated complaint as provided in
28 subsection 1 or 2 of this section shall not be required to disclose the existence of such complaint in
29 subsequent applications or representations relating to their psychology professions."; and
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31 Further amend said bill, Page 49, Section 338.010, Line 103, by inserting after all of said section
32 and line the following:

33
34 "339.190. 1. A real estate licensee shall be immune from liability for statements made by
35 engineers, land surveyors, geologists, environmental hazard experts, wood-destroying inspection
36 and control experts, termite inspectors, mortgage brokers, home inspectors, or other home inspection

Action Taken _____ Date _____

1 experts unless:

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

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

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

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

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

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

24
25 Further amend said bill by amending the title, enacting clause, and intersectional references
26 accordingly.