

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 36
100TH GENERAL ASSEMBLY

0683H.02C

DANA RADEMAN MILLER, Chief Clerk

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Section A. Section 339.190, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 339.190 and 442.135, to read as follows:

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

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

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

✓