

HCS HB 2517 -- REAL PROPERTY (Brown)

COMMITTEE OF ORIGIN: Standing Committee on Economic Development

Under this bill, 14 days before entering into a contract that transfers an interest in residential real property, a wholesaler, as defined in the bill, acting as a grantee or a wholesaler's representative, must provide to the property owner a written disclosure statement. Requirements for the disclosure are described in the bill.

A wholesaler acting as a grantee must not enter into a binding contract that transfers an interest in residential property until both the wholesaler and the property owner sign and date the disclosure statement.

If the wholesaler acting as the grantee fails to make the disclosure before entering into the contract that transfers interest in the property, the owner of the property can cancel the contract before the close of the escrow without penalty and the escrow agent will disburse any earnest money paid by the wholesaler to the owner within 30 days after the cancellation. Provisions of the bill must not be modified or waived by any agreement. Any portion of an agreement executed, modified, or extended after the effective date of the bill that modifies or waives provisions of the bill will be null and void.

Any violation of the bill will be considered an unlawful practice under the Missouri Merchandising Practices Act. A party that enters into an agreement without receiving the disclosure under the bill may bring a private action against a wholesaler.

The Attorney General will have the authority to enforce the provisions of the bill and commence a civil action for any violations. If the court finds that a violation occurred, the court can grant relief as described in the bill.

Currently, property owners can file a petition to seek relief for the removal of any unlawful occupants from property containing a residential dwelling. This bill replaces the petition's coverage and applies it to private noncommercial property.

Currently, when a law enforcement officer has probable cause to believe that an unlawful occupant on property containing a residential dwelling has violated an ex parte order to remove that person from the property, the officer must arrest the offending party regardless of whether the violation occurred in

the presence of the arresting officer. If such an arrest is made in good faith, the arresting and assisting law enforcement officers and employing entities and superiors will be immune from liability for false arrest, false imprisonment, or malicious prosecution.

This bill makes it clear that the relevant property is private noncommercial property rather than property containing a residential dwelling and that it must be the arresting and assisting law enforcement officer's employing entities and superiors who will be immune from liability.