

FIRST REGULAR SESSION

HOUSE BILL NO. 136

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SPENCER.

0217H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 442, RSMo, by adding thereto one new section relating to amateur service communications.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 442, RSMo, is amended by adding thereto one new section, to be
2 known as section 442.405, to read as follows:

**442.405. 1. For purposes of this section, "amateur service" shall have the same
2 meaning as provided in 47 CFR 97.3.**

**3 2. Except as otherwise provided in this section, a covenant, restriction, or condition
4 contained in a deed, contract, or other legal instrument that affects the use of real property
5 or the transfer, sale, or any other interest in real property is void and unenforceable to the
6 extent that the covenant, restriction, or condition:**

7 (1) Precludes amateur service communications;

**8 (2) Contains a restriction on amateur service communications that does not
9 reasonably accommodate such communications. Unreasonably restricting the placement,
10 screening, or height of an amateur radio antenna does not reasonably accommodate
11 amateur service communications; or**

**12 (3) Contains a restriction on amateur service communications that does not
13 constitute the minimum practicable restriction on such communications to accomplish the
14 legitimate purpose of the entity seeking to enforce such restriction.**

**15 3. The provisions of this section do not apply to any entity organized under federal,
16 state, or local law for the purpose of historic or architectural preservation.**

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.

17 **4. Notwithstanding subsection 2 of this section, a landlord may restrict his or her**
18 **tenant's use of property leased to the tenant by requiring a prior written agreement**
19 **between the landlord and the tenant for the tenant's use of amateur service**
20 **communications on the property.**

✓