

SECOND REGULAR SESSION

# HOUSE BILL NO. 2652

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE STACY.

6667H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 448.200, 448.3-102, 448.3-108, and 448.3-118, RSMo, and to enact in lieu thereof four new sections relating to condominium property.

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

Section A. Sections 448.200, 448.3-102, 448.3-108, and 448.3-118, RSMo, are repealed  
2 and four new sections enacted in lieu thereof, to be known as sections 448.200, 448.3-102,  
3 448.3-108, and 448.3-118, to read as follows:

448.200. The manager or board of managers, as the case may be, shall keep detailed,  
2 accurate records in chronological order of the receipts and expenditures affecting the common  
3 elements, specifying and itemizing the maintenance and repair expenses of the common elements  
4 and any other expenses incurred. Such records and the vouchers authorizing the payments shall  
5 be available for examination ~~[by the unit owners]~~ **and copying by a unit owner or the owner's**  
6 **authorized agent** at convenient hours of week days. **The manager or board may charge a**  
7 **reasonable fee for providing copies of any records under this section.**

448.3-102. 1. Subject to the provisions of the declaration, the association, even if  
2 unincorporated, may:

- 3 (1) Adopt and amend bylaws and rules and regulations;
- 4 (2) Adopt and amend budgets for revenues, expenditures, and reserves and collect  
5 assessments for common expenses from unit owners;
- 6 (3) Hire and terminate managing agents and other employees, agents, and independent  
7 contractors;
- 8 (4) Institute, defend, or intervene in litigation or administrative proceedings in its own  
9 name on behalf of itself or two or more unit owners on matters affecting the condominium;

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.

- 10 (5) Make contracts and incur liabilities;
- 11 (6) Regulate the use, maintenance, repair, replacement, and modification of common  
12 elements;
- 13 (7) Cause additional improvements to be made as a part of the common elements;
- 14 (8) Acquire, hold, encumber, and convey in its own name any right, title, or interest to  
15 real or personal property; provided, that common elements may be conveyed or subjected to a  
16 security interest only pursuant to section 448.3-112;
- 17 (9) Grant easements, leases, licenses, and concessions through or over the common  
18 elements;
- 19 (10) Impose and receive any payments, fees, or charges for the use, rental, or operation  
20 of the common elements other than limited common elements described in subdivisions (2) and  
21 (4) of section 448.2-102 and services provided to unit owners;
- 22 (11) Impose charges for late payment of assessments and, after notice and an opportunity  
23 to be heard, levy reasonable fines for violations of the declaration, bylaws, and rules and  
24 regulations of the association;
- 25 (12) Impose reasonable charges for the preparation and recordation of amendments to  
26 the declaration, resale certificates required by section 448.4-109, or statements of unpaid  
27 assessments;
- 28 (13) Provide for the indemnification of its officers and executive board and maintain  
29 directors' and officers' liability insurance;
- 30 (14) Assign its rights to future income, including the right to receive common expense  
31 assessments, but only to the extent expressly provided in the declaration;
- 32 (15) Exercise any other powers conferred by the declaration or bylaws;
- 33 (16) Exercise all other powers that may be exercised in this state by legal entities of the  
34 same type as the association; and
- 35 (17) Exercise any other powers necessary and proper for the governance and operation  
36 of the association.
- 37 2. Notwithstanding the provisions of subsection 1 of this section, the declaration may  
38 not impose limitations on the power of the association to deal with the declarant that are more  
39 restrictive than the limitations imposed on the power of the association to deal with other  
40 persons.
- 41 **3. Before adopting, amending, or repealing any rule, the association shall give all**  
42 **unit owners notice of:**
- 43 **(1) Its intention to adopt, amend, or repeal a rule and provide the text of the rule**  
44 **or the proposed change;**

45           **(2) A date on which the association will act on the proposed rule or amendment**  
46 **after considering comments from unit owners; and**

47           **(3) Following the adoption, amendment, or repeal of a rule, its action and shall**  
48 **provide a copy of any new or revised rule.**

448.3-108. 1. A meeting of the association shall be held at least once each year. Special  
2 meetings of the association may be called by the president or by twenty percent, or any lower  
3 percentage specified in the bylaws, of either the executive board or the unit owners. Not less  
4 than ten nor more than sixty days in advance of any meeting, the secretary or other officer  
5 specified in the bylaws shall cause notice to be hand-delivered or sent prepaid by United States  
6 mail to the mailing address of each unit or to any other mailing address designated in writing by  
7 the unit owner. The notice of any meeting shall state the time and place of the meeting and the  
8 items on the agenda, including the general nature of any proposed amendment to the declaration  
9 or bylaws, any budget changes, and any proposal to remove a director or officer.

10           **2. (1) If materials are distributed to the board of directors before the meeting, the**  
11 **board, at the same time, shall make copies of such materials and make such materials**  
12 **reasonably available to unit owners.**

13           **(2) Meetings of the executive board and committees of the association authorized**  
14 **to act for the association shall be open to the unit owners.**

15           **(3) At each board of director's meeting, the board shall provide a reasonable**  
16 **opportunity for unit owners to comment regarding any matter affecting the condominium**  
17 **property and the association.**

448.3-118. The association shall keep financial records sufficiently detailed to enable  
2 the association to comply with section 448.4-107. All financial and other records shall be made  
3 [~~reasonably~~] available for examination **and copying** by any unit owner and [~~his~~] **the owner's**  
4 authorized agents. **An association may charge a reasonable fee for providing copies of any**  
5 **records under this section.**

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