

FIRST REGULAR SESSION

HOUSE BILL NO. 1104

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BANGERT.

1561H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 442, RSMo, by adding thereto one new section relating to the use of solar energy systems in certain planned communities.

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 known as section 442.013, to read as follows:

442.013. 1. As used in this section, the following terms shall mean:

(1) "Homeowners' association", the association of a planned community including, but not limited to, a nonprofit corporation or unincorporated association of homeowners in a planned community, existing under a recorded declaration of such planned community;

(2) "Person", a natural individual, corporation, partnership, trustee, or other legal entity capable of holding title to real property;

(3) "Planned community", real property with respect to which a person, by virtue of the person's ownership, is obligated to pay real property taxes, insurance premiums, maintenance, or improvement of common ground or other real property described in a recorded declaration. A planned community shall not include a condominium as defined in section 448.1-103 or a cooperative;

(4) "Solar collector":

(a) An assembly, structure, or design, including passive elements, used for gathering, concentrating, or absorbing direct or indirect solar energy, specially designed for holding a substantial amount of useful thermal energy to a gas, solid, or liquid or to use that energy directly;

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.

- 18 **(b) A mechanism that absorbs solar energy and converts it into electricity;**
19 **(c) A mechanism or process used for gathering solar energy through wind or**
20 **thermal gradients; or**
21 **(d) A component used to transfer thermal energy to a gas, solid, or liquid, or to**
22 **convert it into electricity;**
23 **(5) "Solar energy", radiant energy received from the sun at wavelengths suitable**
24 **for heat transfer, photosynthetic use, or photovoltaic use;**
25 **(6) "Solar energy system":**
26 **(a) A complete assembly, structure, or design of a solar collector, or a solar storage**
27 **mechanism, which uses solar energy for generating electricity or for heating or cooling**
28 **gases, solids, liquids, or other materials; and**
29 **(b) The design, materials, or elements of a system and its maintenance, operation,**
30 **and labor components, and the necessary components if any, of the supplemental**
31 **conventional energy systems designed or constructed to interface with a solar energy**
32 **system;**
33 **(7) "Solar storage mechanism", equipment or elements that are utilized for storing**
34 **solar energy and gathered by a solar collector for subsequent use, such as piping and**
35 **transfer mechanisms, containers, heat exchangers, or controls thereof, and gases, solids,**
36 **liquids, or a combination thereof.**
37 **2. Any restriction contained in a recorded declaration of a planned community or**
38 **any rule or regulation promulgated by a homeowners' association that prohibits, or has the**
39 **effect of prohibiting, the installation of a solar energy system is prohibited.**
40 **3. A solar energy system shall meet applicable standards and requirements imposed**
41 **by state and local permitting authorities.**
42 **4. The architectural covenants of the recorded declaration of a planned community**
43 **shall apply to solar energy systems. The governing board of a homeowners' association**
44 **may adopt reasonable rules and regulations relating to solar energy system application**
45 **procedures, design, architectural standards, location, orientation, installation, operations,**
46 **maintenance, and related matters. No rule or regulation may prevent the installation,**
47 **impair the functioning, restrict the use, unreasonably increase the operation costs, or**
48 **reduce the efficiency of a solar energy system. The governing board of a homeowners'**
49 **association shall publish the rules and regulations to the members of the homeowners'**
50 **association and shall furnish the rules and regulations to prospective owners upon request.**
51 **5. In any judicial proceeding arising under this section, the prevailing party,**
52 **whether prosecuting or defending such claim, shall be entitled to recover reasonable**
53 **attorney fees and costs.**

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