

FIRST REGULAR SESSION

HOUSE BILL NO. 1231

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE APPELBAUM.

2539H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 442.055, RSMo, and to enact in lieu thereof one new section relating to property disclosures, with a penalty provision.

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

Section A. Section 442.055, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 442.055, to read as follows:

442.055. **1.** In the event that any premises **currently rented, leased, or otherwise legally occupied or any premises** to be rented, leased, sold, transferred, or conveyed is or was previously contaminated with radioactive material or other hazardous material, the owner, seller, landlord, or other transferor shall disclose in writing to the **current or** prospective lessee, purchaser, or transferee the fact the premises is or was previously contaminated with radioactive material or other hazardous material; provided that, the owner, seller, landlord, or other transferor has knowledge of such radioactive or other hazardous contamination. In the event that an owner, seller, landlord, or other transferor does not make the disclosure as required under this section, and the person had knowledge of such radioactive or other hazardous contamination, the person shall be guilty of a class A misdemeanor. As used in this section, the term "knowledge" shall require the receipt by the owner, seller, landlord, or other transferor of ~~[a report stating affirmatively]~~ **written or electronic communication from a government agency** that the premises is or was previously contaminated with radioactive material or other hazardous material. **If an owner, seller, landlord, or other transferor had knowledge of current or previous contamination with radioactive material or other hazardous material and failed to disclose such contamination, the lessee may terminate the lease at no cost to the lessee.**

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 **2. When a government agency requests from an owner, seller, landlord, or other**
19 **transferor a signed right of entry to test for radioactive material or other hazardous**
20 **material, the owner, seller, landlord, or other transferor shall disclose such request in**
21 **writing to any current or prospective lessee, purchaser, transferee, or other legal**
22 **occupant.**

23 **3. When a government agency acquires knowledge of radioactive or hazardous**
24 **material contamination on any residential property, such agency shall send written**
25 **notice to the current resident within thirty days.**

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