

SECOND REGULAR SESSION

# SENATE BILL NO. 846

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ENGLER.

Read 1st time February 28, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

6001S.011

## AN ACT

To amend chapter 441, RSMo, by adding thereto one new section relating to multifamily residential property.

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

Section A. Chapter 441, RSMo, is amended by adding thereto one new section, to be known as section 441.238, to read as follows:

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

**(1) "Bed bug", an insect of the species cimex lectularius, commonly referred to as bed bug;**

**(2) "Control", the process required to eliminate or manage an infestation of bed bugs by poisoning, spraying, fumigating, trapping, or by any other recognized and lawful pest elimination method, including repeated application of any treatment, particularly to areas where bed bugs are likely to congregate. Control of bed bugs shall be deemed completed if there has been no evidence of bed bug activity for fifty days after the last application of any treatment;**

**(3) "Infestation", the presence of bed bugs or signs of their presence in a quantity large enough that the tenant of a multifamily residential rental dwelling unit knew or should have known about the presence of bed bugs in the unit;**

**(4) "Surrounding unit", the units that share a common wall or are located above or below a particular unit.**

**2. (1) A landlord of multifamily residential property shall use reasonable efforts to maintain the property free of an infestation of bed bugs.**

**(2) Upon written notice from a tenant of multifamily residential**

22 property that he or she suspects the presence of bed bugs in his or her  
23 unit, the landlord or the landlord's designated pest control professional  
24 shall, within seven days, visually inspect the unit for bed bugs.

25 (3) Upon conclusion that an infestation of bed bugs does exist in  
26 the unit after an inspection, the landlord shall, within fourteen days,  
27 begin the process of controlling the bed bug infestation in the dwelling  
28 unit. The landlord shall also notify other tenants in the surrounding  
29 units of the multifamily residential property that an infestation has  
30 been discovered and is being controlled.

31 (4) Only a landlord or landlord's designated pest control  
32 professional shall apply any bed bug control techniques.

33 (5) If a landlord requires access to a multifamily residential  
34 dwelling unit for purposes of inspecting for an infestation of bed bugs  
35 or controlling an infestation of bed bugs, the landlord shall provide at  
36 least twenty-four hours notice to the tenant in writing that the landlord  
37 requires access for purposes of inspecting or controlling the infestation  
38 of bed bugs.

39 (6) Except in a situation where a landlord has been grossly  
40 negligent, the landlord and the landlord's employees, officers, agents,  
41 and directors shall not be liable to the tenant or the tenant's guests for  
42 any damages relating to or arising from the infestation of bed bugs, the  
43 inspection, or the control of bed bugs.

44 (7) If after receiving notice of a suspected bed bug infestation  
45 the landlord fails to inspect or designate a pest control professional for  
46 the purposes of conducting an inspection or controlling bed bugs, or  
47 the landlord obstructs or inhibits the ability of the landlord's  
48 designated pest control professional to control a bed bug infestation,  
49 the tenant shall not be liable to the landlord or the landlord's agents  
50 for any damages relating to or arising from the presence of bed bugs.

51 3. (1) A tenant of multifamily residential rental property shall  
52 use reasonable care to maintain their dwelling unit free of an  
53 infestation of bed bugs.

54 (2) The failure of a tenant to report any bed bug infestation  
55 within his or her dwelling unit within seven days after moving in, in  
56 the exercise of reasonable diligence, shall be an acknowledgment by the  
57 tenant that the dwelling unit is acceptable and bed bug free.

58 (3) A tenant who knows or should know of the presence of an

59 infestation of bed bugs or who suspects the presence of bed bugs in  
60 their dwelling unit shall notify the landlord in writing as to the  
61 presence of bed bugs within his or her unit within forty-eight hours of  
62 first knowing, suspecting, or should have known of an  
63 infestation. Notice provided to the landlord by the tenant constitutes  
64 permission for the landlord to enter the dwelling unit for the purpose  
65 of inspecting for or controlling bed bugs.

66 (4) A tenant who fails to notify the landlord of the presence of  
67 bed bugs in accordance with subdivision (3) of this subsection may be  
68 held liable for damages related to the cost of treating the unreported  
69 infestation.

70 (5) Upon notice from the landlord pursuant to subdivision (5) of  
71 subsection 2 of this section, a tenant shall grant the landlord or  
72 landlord's designated pest control professional access to the unit for  
73 purposes of conducting an inspection or controlling bed bugs.

74 (6) If after receiving notice of an inspection or control procedure  
75 the tenant obstructs or inhibits the ability of the landlord or landlord's  
76 designated pest control professional to access the unit, fails to comply  
77 with protocol set forth by the landlord or landlord's designated pest  
78 control professional which is deemed necessary to carry out control of  
79 a bed bug infestation, or obstructs or inhibits the landlord or landlord's  
80 designated pest control professional from completing requisite  
81 treatment necessary to control a bed bug infestation:

82 (a) The landlord shall not be liable to the tenant or their guests  
83 for any damages relating to or arising from the presence of bed bugs;  
84 and

85 (b) The tenant may be found to be in violation of their lease or  
86 subject to reasonable damages.

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