

FIRST REGULAR SESSION

# HOUSE BILL NO. 1422

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SIMMONS.

2754H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 442.404, RSMo, and to enact in lieu thereof one new section relating to residential real property.

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

Section A. Section 442.404, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 442.404, to read as follows:

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

(1) "Homeowners' association", a nonprofit corporation or unincorporated association of homeowners created under a declaration to own and operate portions of a planned community or other residential subdivision that has the power under the declaration to assess association members to pay the costs and expenses incurred in the performance of the association's obligations under the declaration or tenants-in-common with respect to the ownership of common ground or amenities of a planned community or other residential subdivision. This term shall not include a condominium unit owners' association as defined and provided for in subdivision (3) of section 448.1-103 or a residential cooperative;

(2) "Political signs", any fixed, ground-mounted display in support of or in opposition to a person seeking elected office or a ballot measure excluding any materials that may be attached;

(3) "Utility vehicle", any vehicle that:

(a) **Is owned by an electrical corporation or gas corporation, as those terms are defined in section 386.020, or an affiliate or contractor of such a corporation;**

(b) **Is or may be used for emergency deployment of personnel or equipment for the repair or maintenance of electric or natural gas facilities; and**

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           **(c) Has visible signs, decals, or other markings designating the electrical**  
19 **corporation or gas corporation, or the affiliate or contractor of such a corporation, as the**  
20 **owner of the vehicle or designating the contractor that owns the vehicle as a contractor for**  
21 **the electrical corporation or gas corporation or an affiliate of such a corporation.**

22           2. No deed restrictions, covenants, or similar binding agreements running with the land  
23 shall prohibit or have the effect of prohibiting the display of political signs.

24           3. A homeowners' association has the authority to adopt reasonable rules, subject to any  
25 applicable statutes or ordinances, regarding the time, size, place, number, and manner of display  
26 of political signs.

27           4. A homeowners' association may remove a political sign without liability if such sign  
28 is placed within the common ground, threatens the public health or safety, violates an applicable  
29 statute or ordinance, is accompanied by sound or music, or if any other materials are attached to  
30 the political sign. Subject to the foregoing, a homeowners' association shall not remove a  
31 political sign from the property of a homeowner or impose any fine or penalty upon the  
32 homeowner unless it has given such homeowner three days after providing written notice to the  
33 homeowner, which notice shall specifically identify the rule and the nature of the violation.

34           **5. No deed restriction, covenant, or similar binding agreement running with the**  
35 **land, and no rule of any homeowner's association, shall prohibit any resident of a planned**  
36 **community or other residential subdivision who is an employee of an electrical corporation**  
37 **or gas corporation, as those terms are defined in section 386.020; an employee of an**  
38 **affiliate of an electrical corporation or gas corporation; or an employee of a contractor for**  
39 **an electrical corporation or gas corporation, from parking a utility vehicle on a driveway**  
40 **or street within that planned community or residential subdivision, provided that the gross**  
41 **weight rating of the utility vehicle is twenty thousand pounds or less.**

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