

SECOND REGULAR SESSION

# HOUSE BILL NO. 1207

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BARNES.

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D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 441, RSMo, by adding thereto one new section relating to bed bug control for multifamily rental dwelling units.

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*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 441.450, to read as follows:

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

- (1) "Bed bug", an insect of the species *cimex lectularius*, commonly referred to as bed bug;
- (2) "Control", the process required by a professional pesticide applicator to attempt 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) "Dwelling unit", premises or part thereof occupied, used, or held out for use and occupancy as a place of abode for human beings, whether occupied or vacant;
- (4) "Infestation", the presence of bed bugs or signs of their presence in a quantity large enough that the tenant of a multifamily rental dwelling unit knew or should have known about the presence of bed bugs in the unit;
- (5) "Surrounding unit", unit or units that share a common wall or are located above or below.

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.

17           **2. (1) A landlord of multifamily rental dwelling unit shall maintain the dwelling**  
18 **unit free of an infestation of bed bugs.**

19           **(2) Upon written notice from a tenant of multifamily rental dwelling unit that he**  
20 **or she suspects the presence of bed bugs in his or her unit, the landlord's designated pest**  
21 **control professional shall within seven days visually inspect the unit for bed bugs.**

22           **(3) Upon conclusion that an infestation of bed bugs does exist in the unit following**  
23 **an inspection in accordance with subdivision (2) of this subsection, the landlord shall**  
24 **within fourteen days begin the process of controlling the bed bug infestation in the dwelling**  
25 **unit. The landlord shall also notify other tenants in the surrounding units of the**  
26 **multifamily rental dwelling unit that an infestation has been discovered and is being**  
27 **controlled.**

28           **(4) Only a pest control professional shall apply any bed bug control techniques.**

29           **(5) When a landlord requires access to a multifamily rental dwelling unit for**  
30 **purposes of inspecting for an infestation of bed bugs or controlling an infestation of bed**  
31 **bugs, the landlord shall provide at least twenty-four hours' notice to the tenant in writing**  
32 **that the landlord requires access for purposes of inspecting or controlling the infestation**  
33 **of bed bugs.**

34           **(6) If, after receiving notice of a suspected bed bug infestation under this section,**  
35 **the landlord fails, within fourteen days, to designate a pest control professional for the**  
36 **purposes of conducting an inspection and controlling bed bugs, or if the landlord obstructs**  
37 **or inhibits the ability of the landlord's designated pest control company to control a bed**  
38 **bug infestation:**

39           **(a) The tenant shall not be liable to the landlord or the landlord's agents for any**  
40 **damages relating to and arising from the presence of bed bugs; and**

41           **(b) A violation of this section entitles tenant to terminate the tenancy and seek**  
42 **damages.**

43           **3. (1) A tenant of multifamily rental dwelling unit shall use reasonable care to**  
44 **maintain his or her dwelling unit free of an infestation of bed bugs.**

45           **(2) The failure of a tenant to report any bed bug infestation within his or her**  
46 **dwelling unit within seven days after the tenant discovered or should have, in the exercise**  
47 **of reasonable diligence, discovered the existence of an infestation shall be an**  
48 **acknowledgment by tenant that the dwelling unit is acceptable and bed bug free.**

49           **(3) A tenant who knew or should have known of the presence of an infestation of**  
50 **bed bugs in his or her dwelling unit shall notify the landlord as to the presence of bed bugs**  
51 **within his or her unit within seven business days of the date upon which the tenant knew**  
52 **or should have known of the presence of an infestation. Notice provided to the landlord**

53 by the tenant in accordance with this subsection constitutes permission to the landlord to  
54 enter the dwelling unit in accordance with subdivision (5) of subsection 2 of this section for  
55 the purpose of inspecting for or controlling bed bugs.

56 (4) Upon notice from the landlord under subdivision (5) of subsection 2 of this  
57 section, a tenant shall grant the landlord, the landlord's agent, and employees of the  
58 landlord's designated pest control professional access to the unit for purposes of  
59 conducting an inspection and controlling bed bugs.

60 (5) Only a pest control professional shall apply any bed bug control techniques as  
61 set forth in this section.

62 (6) If, after receiving notice of an inspection or control procedure under subdivision  
63 (5) of subsection 2 of this section, the tenant obstructs or inhibits the ability of the landlord,  
64 the landlord's agent, and employees of the landlord's designated pest control professional  
65 to access the unit for purposes of conducting an inspection and controlling bed bugs, or if  
66 the tenant obstructs or inhibits the ability of the landlord's designated pest control  
67 company to control a bed bug infestation:

68 (a) The landlord shall not be liable to the tenant or his or her guests for any  
69 damages relating to and arising from the presence of bed bugs; and

70 (b) A violation of this section entitles landlord to terminate the tenancy and seek  
71 damages.

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