

# HOUSE BILL NO. 2856

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SMITH (46).

5867H.011

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To amend chapter 441, RSMo, by adding thereto one new section relating to rental application fees.

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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  
2 known as section 441.007, to read as follows:

**441.007. 1. For purposes of this section, the following terms mean:**

2       **(1) "Premises", as defined in section 441.005;**

3       **(2) "Rental agreement", any agreement, written or oral, between a landlord and**  
4 **a tenant embodying the terms and conditions concerning the use and occupancy of**  
5 **premises;**

6       **(3) "Rental application", any information, written or oral, submitted to a**  
7 **landlord by a prospective tenant for the purpose of entering into a rental agreement;**

8       **(4) "Rental application fee", any sum of moneys, however denominated, that is**  
9 **charged or accepted by a landlord from a prospective tenant in connection with the**  
10 **prospective tenant's submission of a rental application or any nonrefundable fee that**  
11 **precedes the beginning of tenancy. "Rental application fee" does not include a**  
12 **refundable security deposit or any rent that is paid before the tenancy begins;**

13       **(5) "Tenant", a person under a rental agreement to occupy the premises with the**  
14 **landlord's consent to the exclusion of others.**

15       **2. A landlord shall not charge a prospective tenant a rental application fee unless**  
16 **the landlord uses the fee to cover the landlord's costs in processing the rental**

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 **application. A landlord shall not charge a rental application fee greater than fifteen**  
18 **dollars.**

19 **3. A landlord who receives a rental application fee from a prospective tenant and**  
20 **does not use the entire amount of the fee to cover the landlord's costs in processing the**  
21 **rental application shall remit to the prospective tenant the remaining amount of the fee.**  
22 **A landlord shall make a good-faith effort to remit such amount within twenty calendar**  
23 **days after processing the application.**

24 **4. A landlord shall, upon receipt of any moneys paid as a rental application fee,**  
25 **furnish a receipt to the prospective tenant for the amount paid by the tenant. A**  
26 **landlord shall provide a prospective tenant an electronic receipt, unless the prospective**  
27 **tenant requests a paper receipt in which case a landlord shall provide the prospective**  
28 **tenant with a paper receipt.**

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