

SECOND REGULAR SESSION

HOUSE BILL NO. 3071

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WELLENKAMP.

6735H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 442.055, RSMo, and to enact in lieu thereof one new section relating to contamination of radioactive material or other hazardous material at a premises, 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Section A. Section 442.055, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 442.055, to read as follows: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, sold, transferred, or conveyed 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 prospective lessee, **current 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 **empirically supported** 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 governmental agency** that the premises is or was previously contaminated with radioactive material or other hazardous material. **If any lessee learns that the owner, seller, landlord, or other transferor had knowledge and failed to disclose such knowledge to the lessee, the lessee has the right to terminate his or**

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 her lease at no cost to the lessee under the notification, security deposit, and grace
18 period requirements stipulated in the lease.

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

24 **3. If any state agency has knowledge of contamination of radioactive material or**
25 **other hazardous waste material at any residential property, the state agency shall send**
26 **written notice to the current resident within thirty days.**

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