

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 136
99TH GENERAL ASSEMBLY

0217H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 442, RSMo, by adding thereto one new section relating to amateur service communications.

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

Section A. Chapter 442, RSMo, is amended by adding thereto one new section, to be
2 known as section 442.405, to read as follows:

**442.405. 1. For purposes of this section, "amateur service" shall have the same
2 meaning as provided in 47 CFR 97.3.**

**3 2. Except as otherwise provided in this section, a covenant, restriction, or condition
4 contained in a deed, contract, or other legal instrument that affects the use of real property
5 or the transfer, sale, or any other interest in real property is void and unenforceable to the
6 extent that the covenant, restriction, or condition:**

7 (1) Precludes amateur service communications;

**8 (2) Fails to permit a licensee in an amateur radio service to install and maintain an
9 effective outdoor antenna on property under the exclusive use or control of the licensee;
10 or**

**11 (3) Contains a restriction on amateur service communications that does not
12 constitute the minimum practicable restriction on such communications to accomplish the
13 legitimate purpose of the entity seeking to enforce such restriction.**

**14 3. Subject to the provisions of subsection 2 of this section a homeowner's
15 association or the board of such association may:**

**16 (1) Adopt reasonable written rules concerning the height, location, size, aesthetic
17 impact, or installation requirements for outdoor antennas and support structures;**

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 **(2) Require any licensee in an amateur radio service to notify and obtain prior**
19 **approval from the homeowner's association or board concerning installation of an outdoor**
20 **antenna, without imposing any fee or assessment for such notification or approval; or**

21 **(3) Prohibit installation of any antenna or antenna support structure on common**
22 **property not under the exclusive use or control of the licensee in an amateur radio service.**

23 **4. The provisions of this section do not apply to any entity organized under federal,**
24 **state, or local law for the purpose of historic or architectural preservation.**

25 **5. Notwithstanding subsection 2 of this section, a landlord may restrict his or her**
26 **tenant's use of property leased to the tenant by requiring a prior written agreement**
27 **between the landlord and the tenant for the tenant's use of amateur service**
28 **communications on the property.**

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