

FIRST REGULAR SESSION

# HOUSE BILL NO. 1040

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES TILLEY, EL-AMIN, JONES (89), RUZICKA, ALLEN, JONES (63), YATES, DIEHL, FUNDERBURK, SCHIEFFER, FAITH, DAY, GUERNSEY, BRANDOM, ZERR, NOLTE, HOSKINS (80), BROWN (50), SMITH (150), DIECKHAUS, TRACY, ATKINS, HUGHES, NASHEED, ZIMMERMAN, WOOD, NORR, DOUGHERTY, YAEGER, RUESTMAN, DIXON, GRILL, ENGLUND, TALBOY, NIEVES, BURNETT, COX, STEVENSON, SCHAD, McGHEE, ERVIN, KOENIG, DEEKEN, WRIGHT, KRAUS, SCHARNHORST, FLOOK, SILVEY, SCHOELLER, SMITH (14), BRUNS, HOBBS, PARSON, FISHER (125), GUEST, EMERY, JONES (117), BROWN (73), STREAM, KINGERY, BIVINS, SCHAAF, BURLISON, WELLS, FRANZ, HODGES, WEBBER, CUNNINGHAM, ICET, NANCE, LEARA, PRATT, DUGGER, GATSCHENBERGER, WILSON (119), VIEBROCK, PARKINSON, DAVIS, BROWN (149), SATER, McNARY, COLONA, KEENEY, WILSON (130), THOMSON, LAIR, LOEHNER, WASSON, RICHARD, RIDDLE, SUTHERLAND, WALLACE, KELLY, FLANIGAN, CALLOWAY, SELF, BRINGER, WALSH, KIRKTON AND DENISON (Co-sponsors).

2366L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 442, RSMo, by adding thereto one new section relating to restrictive covenants.

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*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 442.402, to read as follows:

3 **442.402. 1. No board of education, or special administrative board of a school**  
4 **district operating under section 162.081 or 162.1100, RSMo, shall include a restrictive**  
5 **covenant recital in a deed, plat, restriction, covenant, or conveyance that prohibits the use**  
6 **of real property for a primary, elementary, or secondary school providing instruction for**  
7 **grades kindergarten through twelve.**

8 **2. Any restrictive covenant recitals on real property previously operated as a public**  
9 **school found in any deeds, plats, restrictions, covenants, or other conveyances of any type**  
10 **or nature, filed for record in the office of the recorder of deeds in any county or city not**  
11 **within a county, which prohibit the owner or purchaser of such property from using the**

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.

10 **property to provide educational instruction, shall be void and unenforceable, and shall be**  
11 **ignored, as if the same existed.**

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