

SECOND REGULAR SESSION

# SENATE BILL NO. 631

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOLSMAN.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4907S.01I

## AN ACT

To amend chapter 442, RSMo, by adding thereto one new section relating to the use of solar energy systems in certain planned communities.

*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 known as section 442.013, to read as follows:

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

**(1) "Homeowners' association", the association of a planned community, including but not limited to a nonprofit corporation or unincorporated association of homeowners in a planned community, existing under a recorded declaration of such planned community;**

**(2) "Person", a natural individual, corporation, partnership, trustee, or other legal entity capable of holding title to real property;**

**(3) "Planned community", real property with respect to which a person, by virtue of the person's ownership, is obligated to pay real property taxes, insurance premiums, maintenance, or improvement of common ground or other real property described in a recorded declaration. A planned community shall not include a condominium as defined in section 448.1-103 or a cooperative;**

**(4) "Solar collector":**

**(a) An assembly, structure, or design, including passive elements, used for gathering, concentrating, or absorbing direct or indirect solar energy, specially designed for holding a substantial amount of useful thermal energy to a gas, solid, or liquid or to use that energy directly;**

**(b) A mechanism that absorbs solar energy and converts it into electricity;**

22 (c) A mechanism or process used for gathering solar energy  
23 through wind or thermal gradients; or

24 (d) A component used to transfer thermal energy to a gas, solid,  
25 or liquid, or to convert it into electricity;

26 (5) "Solar energy", radiant energy received from the sun at wave  
27 lengths suitable for heat transfer, photosynthetic use, or photovoltaic  
28 use;

29 (6) "Solar energy system":

30 (a) A complete assembly, structure, or design of a solar collector,  
31 or a solar storage mechanism, which uses solar energy for generating  
32 electricity or for heating or cooling gases, solids, liquids, or other  
33 materials; and

34 (b) The design, materials, or elements of a system and its  
35 maintenance, operation, and labor components, and the necessary  
36 components if any, of the supplemental conventional energy systems  
37 designed or constructed to interface with a solar energy system;

38 (7) "Solar storage mechanism", equipment or elements that are  
39 utilized for storing solar energy and gathered by a solar collector for  
40 subsequent use, such as piping and transfer mechanisms, containers,  
41 heat exchangers, or controls thereof, and gases, solids, liquids, or a  
42 combination thereof.

43 2. Any restriction contained in a recorded declaration of a  
44 planned community, or any rule or regulation promulgated by a  
45 homeowners' association which prohibits, or has the effect of  
46 prohibiting, the installation of a solar energy system is prohibited.

47 3. A solar energy system shall meet applicable standards and  
48 requirements imposed by state and local permitting authorities.

49 4. The architectural covenants of the recorded declaration of a  
50 planned community shall apply to solar energy systems. The governing  
51 board of a homeowners' association may adopt reasonable rules and  
52 regulations relating to solar energy system application procedures,  
53 design, architectural standards, location, orientation, installation,  
54 operations, maintenance, and related matters. No rule or regulation  
55 may prevent the installation, impair the functioning, restrict the use,  
56 unreasonably increase the operation costs, or reduce the efficiency of  
57 a solar energy system. The governing board of a homeowners'  
58 association shall publish the rules and regulations to the members of

59 the homeowners' association, and shall furnish the rules and  
60 regulations to prospective owners upon request.

61 5. In any judicial proceeding arising under this section, the  
62 prevailing party, whether prosecuting or defending such claim, shall be  
63 entitled to recover reasonable attorney fees and costs.

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