

FIRST REGULAR SESSION

SENATE BILL NO. 536

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Read 1st time March 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1539S.01I

AN ACT

To repeal section 441.065, RSMo, and to enact in lieu thereof one new section relating to disposal of tenant property.

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

Section A. Section 441.065, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 441.065, to read as follows:

441.065. 1. Any property of a tenant remaining in or at the premises, after the tenant abandons the premises, may be removed or disposed of by the landlord without liability to the tenant for such removal or disposition. The premises shall be deemed abandoned if[:

(1)] the landlord has a reasonable belief that the tenant has vacated the premises and intends not to return[;

(2) The rent is due and has been unpaid for thirty days; and

(3) The landlord posts written notice on the premises and mails to the last known address of the tenant by both first class mail and certified mail, return receipt requested, a notice of the landlord's belief of abandonment. The notice shall include the following, where appropriate: "The rent on this property has been due and unpaid for thirty consecutive days and the landlord believes that you have moved out and abandoned the property. The landlord may declare this property abandoned and remove your possessions from this unit and dispose of them unless you write to the landlord stating that you have not abandoned this unit within ten days of the landlord having both posted this notice on your door and mailing this notice to you. You should mail your statement by regular first class mail and, if you so choose, by certified mail, return receipt requested, to this address (here insert landlord's name and street address)"; and

(4) The tenant fails to either pay rent or respond in writing to the landlord's notice

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

within ten days after both the date of the posting and deposit of such notice by either first class mail or certified mail, return receipt requested, stating the tenant's intention not to abandon the premises].

2. If the landlord reasonably believes that the tenant has abandoned the premises, all personal property that the tenant has left on the premises may be removed. The landlord may not be held to respond in damages in an action by a tenant claiming loss by reason of the landlord's election to destroy, sell, or otherwise dispose of the property. No claim shall lie in conversion or any other cause of action for the destruction, sale, or disposal of the tenant's property if the provisions of this section have been followed. If, however, the landlord deliberately or negligently violated the provisions of this section, the landlord shall be liable for actual damages.

Unofficial

Bill

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