

SECOND REGULAR SESSION

SENATE BILL NO. 1072

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LOUDON.

Read 1st time February 16, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4483S.01I

AN ACT

To repeal sections 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.541, RSMo, relating to abandoned manufactured homes.

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

Section A. Sections 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.541, RSMo, are repealed, as follows:

[700.525. As used in sections 700.525 to 700.541, the following terms mean:

(1) "Abandoned", a physical absence from the property, and either:

(a) Failure by a renter of real property to pay any required rent for fifteen consecutive days, along with the discontinuation of utility service to the rented property for such period; or

(b) Indication of or notice of abandonment of real property rented from a landlord;

(2) "Manufactured home", a factory-built structure as defined in subdivision (5) or (7) of section 700.010.]

[700.527. 1. If a person abandons a manufactured home on any real property owned by another who is renting such real property to the owner of the manufactured home, and such abandonment is without the consent of the owner of the real property, the owner of the real property may seek possession of and title to the manufactured home in accordance with the provisions of sections 700.525 to 700.541 subject to the interest of any party

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

8 with a security interest in the manufactured home.

9 2. The landlord seeking possession of the manufactured
10 home shall submit a report to the director of revenue. Such report
11 shall include the following:

12 (1) An application, which shall be upon a blank form
13 furnished by the director of revenue and shall contain the full
14 description of the manufactured home and the manufacturer's or
15 other identifying number;

16 (2) An affidavit of the landlord seeking possession of the
17 manufactured home, stating that the manufactured home is
18 abandoned as defined by section 700.525 and applicable rule of the
19 department, the duration of such abandonment, that the
20 manufactured home is located upon real property owned by the
21 landlord, and that the manufactured home is the subject of a valid
22 rental agreement signed by the renter, along with the original, or
23 a photostatic or conformed copy of the original contract for rental
24 of real property; and

25 (3) Any other information that the director of revenue may
26 require by rule.]

[700.529. Upon proof of all the foregoing in section 700.527
2 by proper affidavit and upon compliance with the provisions of
3 sections 700.525 to 700.541, the director of revenue shall, if
4 requested, issue a new certificate of title to the landlord.]

[700.530. The provisions of sections 700.525 to 700.539
2 shall not affect the right of a secured party to take possession of,
3 and title to, a manufactured home pursuant to section 400.9-503,
4 RSMo, section 700.386 or otherwise as allowed by contract or law.]

[700.531. The director of revenue shall notify the owner of
2 record of the manufactured home and any holder of a security
3 interest in the manufactured home of its status of abandonment,
4 the name and business address of the landlord seeking possession
5 of the manufactured home, and the right of the landlord to seek
6 title to the manufactured home pursuant to sections 700.525 to
7 700.541 if such manufactured home remains abandoned or if the
8 owner of record of the manufactured home and any holder of a
9 security interest in the manufactured home does not respond to the

10 notice. The notice shall be given within fifteen working days of the
11 receipt of the application of the landlord pursuant to subsection 2
12 of section 700.527.]

[700.533. The owner of such manufactured home or the
2 holder of a valid security interest therein which is in default may
3 claim title to it from the landlord seeking possession of the
4 manufactured home upon proof of ownership or valid security
5 interest which is in default and payment of all reasonable rents
6 due and owing to the landlord.]

[700.535. If the manufactured home is titled in Missouri,
2 the valid owner of the manufactured home or the holder of a valid
3 security interest therein may voluntarily relinquish any claim to
4 the manufactured home by affirmatively declaring such
5 relinquishment or by failing to respond to the notice required by
6 section 700.531 within thirty days of the mailing or delivery of such
7 notice by the director of revenue.]

[700.537. The lienholder of an abandoned manufactured
2 home may repossess an abandoned manufactured home by
3 notifying by registered mail, postage prepaid, the owner if known,
4 and any lienholders of record, at their last known addresses, that
5 application for a certificate of title will be made unless the owner
6 or lienholder of record makes satisfactory arrangements with the
7 owner of real property upon which such abandoned manufactured
8 home is situated within thirty days of the mailing of the
9 notice. This notice shall be supplied by the use of a form designed
10 and provided by the director of revenue.]

[700.539. 1. Within thirty days after the notification form
2 required by section 700.537 has been mailed, and the owner or
3 lienholder has made satisfactory arrangements with the owner of
4 real property, the lienholder who sent notification pursuant to
5 sections 700.525 to 700.541 may apply to the director of revenue for
6 a certificate of title. The application shall be accompanied by:

7 (1) An affidavit of the lienholder that he is in compliance
8 with all requirements of sections 700.525 to 700.541;

9 (2) A copy of the receipt indicating that the owner or
10 lienholder of record has received the notice required by sections

11 700.525 to 700.541;

12 (3) A fee as required by the director of revenue by rule.

13 2. Upon proof of the foregoing by proper affidavit and upon
14 compliance with all requirements of sections 700.525 to 700.541,
15 the director of revenue shall, if requested, issue a new certificate
16 of title to the lienholder in possession within fifteen working days
17 after request.]

[700.541. The director of revenue may promulgate any rules
2 necessary to effectuate the purposes of sections 700.525 to
3 700.541. No rule or portion of a rule promulgated under the
4 authority of sections 700.525 to 700.541 shall become effective
5 unless it has been promulgated pursuant to the provisions of
6 section 536.024, RSMo.]

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Bill

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