

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 485**  
96TH GENERAL ASSEMBLY

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Reported from the Committee on Transportation, February 2, 2012, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

4504S.02C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 430.020 and 430.082, RSMo, and to enact in lieu thereof two new sections relating to statutory liens against personalty.

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

Section A. Sections 430.020 and 430.082, RSMo, are repealed and two  
2 new sections enacted in lieu thereof, to be known as sections 430.020 and  
3 430.082, to read as follows:

430.020. Every person who shall keep or store any vehicle[,] or part or  
2 equipment thereof, shall, for the amount due therefor, have a lien; and every  
3 person who furnishes labor or material on any vehicle [or aircraft,] or part or  
4 equipment thereof, who shall obtain a written memorandum of the work or  
5 material furnished, or to be furnished, signed by the owner of the vehicle [or  
6 aircraft], or part or equipment thereof, **and every person who furnishes**  
7 **labor or material on any aircraft or part or equipment thereof, who**  
8 **shall obtain a written memorandum of the work or material furnished,**  
9 **or to be furnished, signed by the owner, authorized agent of the owner,**  
10 **or person in lawful possession of the aircraft or part or equipment**  
11 **thereof,** shall have a lien for the amount of such work or material as is ordered  
12 or stated in such written memorandum. Such liens shall be on the vehicle or  
13 aircraft, or part or equipment thereof, as shall be kept or stored, or be placed in  
14 the possession of the person furnishing the labor or material; provided, however,  
15 the person furnishing the labor or material **on the aircraft or part or**  
16 **equipment thereof,** may retain the lien after surrendering possession of the  
17 aircraft or part or equipment thereof by filing a statement in the office of the

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

18 county recorder of the county where the owner of the aircraft or part or  
19 equipment thereof resides, if known to the claimant, and in the office of the  
20 county recorder of the county where the labor or material was furnished. Such  
21 statement shall be filed within [thirty] **one hundred eighty** days after  
22 surrendering possession of the aircraft or part or equipment thereof and shall  
23 state the claimant's name and address, the items on account, the name of the  
24 owner and a description of the property, and shall not bind a bona fide purchaser  
25 unless said lien has also been filed with the Federal Aviation Administration  
26 Aircraft Registry.

430.082. 1. Every person expending labor, services, skill or material upon  
2 any motor vehicle or trailer, as defined in chapter 301, vessel, as defined in  
3 chapter 306, outboard motor [or], **or aircraft, or part or equipment of an**  
4 **aircraft**, at a written request of its owner, authorized agent of the owner, or  
5 person in lawful possession thereof, or who provides storage for a motor vehicle,  
6 trailer, outboard motor or vessel, at the written request of its owner, authorized  
7 agent of the owner, or person in lawful possession thereof, or at the written  
8 request of a peace officer in lieu of the owner or owner's agent, where such owner  
9 or agent is not available to request storage thereof, shall, where the maximum  
10 amount to be charged for labor, services, skill or material has been stated as part  
11 of the written request or the daily charge for storage has been stated as part of  
12 the written request, have a lien upon the chattel beginning upon the date of  
13 commencement of the expenditure of labor, services, skill, materials or storage for  
14 the actual value of all the expenditure of labor, services, skill, materials or  
15 storage until the possession of that chattel is voluntarily relinquished to the  
16 owner, authorized agent, or one entitled to possession thereof. The person  
17 furnishing labor, services, skill or material **upon an aircraft or part or**  
18 **equipment thereof**, may retain the lien after surrendering possession of the  
19 aircraft or part or equipment thereof, by filing a statement in the office of the  
20 county recorder of the county where the owner of the aircraft or part or  
21 equipment thereof, resides, if known to the claimant, and in the office of the  
22 county recorder of the county where the claimant performed the services. Such  
23 statement shall be filed within [thirty] **one hundred eighty** days after  
24 surrendering possession of the aircraft or part or equipment thereof and shall  
25 state the claimant's name and address, the items on account, the name of the  
26 owner and a description of the property, and shall not bind a bona fide purchaser  
27 unless the lien has also been filed with the Federal Aviation Administration

28 Aircraft Registry.

29           2. If the chattel is not redeemed within forty-five days of the completion  
30 of the requested labor, services, skill or material, the lienholder may apply to the  
31 director of revenue for a certificate of ownership or certificate of title.

32           3. If the charges are for storage or the service of towing the motor vehicle,  
33 trailer, outboard motor or vessel, and the chattel has not been redeemed within  
34 forty-five days after the charges for storage commenced, the lienholder shall  
35 notify by certified mail, postage prepaid, the owner and any lienholders of record  
36 other than the person making the notification, at the person's last known address  
37 that application for a lien title will be made unless the owner or lienholder within  
38 thirty days makes satisfactory arrangements with the person holding the chattel  
39 for payment of storage or service towing charges, if any, or makes satisfactory  
40 arrangements with the lienholder for paying such charges or for continued  
41 storage of the chattel if desired. Thirty days after the notification has been  
42 mailed and the chattel is unredeemed, or the notice has been returned marked  
43 "not forwardable" or "addressee unknown", and no satisfactory arrangement has  
44 been made with the lienholder for payment or continued storage, the lienholder  
45 may apply to the director of revenue for a certificate of ownership or certificate  
46 of title as provided in this section.

47           4. The application shall be accompanied by:

48           (1) The original or a conformed or photostatic copy of the written request  
49 of the owner or the owner's agent or of a peace officer with the maximum amount  
50 to be charged stated therein;

51           (2) An affidavit from the lienholder that written notice was provided to  
52 all owners and lienholders of the applicants' intent to apply for a certificate of  
53 ownership and the owner has defaulted on payment of labor, services, skill or  
54 material and that payment is forty-five days past due, or that owner has  
55 defaulted on payment or has failed to make satisfactory arrangements for  
56 continued storage of the chattel for thirty days since notification of intent to make  
57 application for a certificate of ownership or certificate of title. The affidavit shall  
58 be accompanied by a copy of the thirty-day notice given by certified mail to any  
59 owner and person holding a valid security interest and a copy of the certified mail  
60 receipt indicating that the owner and lienholder of record was sent a notice as  
61 required in this section;

62           (3) A statement of the actual value of the expenditure of labor, services,  
63 skill or material, or the amount of storage due on the date of application for a

64 certificate of ownership or certificate of title, and the amount which is unpaid;  
65 and

66 (4) A fee of ten dollars.

67 5. If the director is satisfied with the genuineness of the application, proof  
68 of lienholder notification in the form of a certified mail receipt, and supporting  
69 documents, and if no lienholder or the owner has redeemed the chattel or no  
70 satisfactory arrangement has been made concerning payment or continuation of  
71 storage, and if no owner or lienholder has informed the director that the owner  
72 or lienholder demands a hearing as provided in this section, the director shall  
73 issue, in the same manner as a repossessed title is issued, a certificate of  
74 ownership or certificate of title to the applicant which shall clearly be captioned  
75 "Lien Title".

76 6. Upon receipt of a lien title, the holder shall within ten days begin  
77 proceedings to sell the chattel as prescribed in section 430.100.

78 7. The provisions of section 430.110 shall apply to the disposition of  
79 proceeds, and the lienholder shall also be entitled to any actual and necessary  
80 expenses incurred in obtaining the lien title, including, but not limited to, court  
81 costs and reasonable attorney's fees.

Bill  
✓  
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