

FIRST REGULAR SESSION

SENATE BILL NO. 228

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CURLS.

Read 1st time January 12, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1161S.01I

AN ACT

To amend chapter 82, RSMo, by adding thereto one new section relating to abandoned real property in certain cities.

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

Section A. Chapter 82, RSMo, is amended by adding thereto one new
2 section, to be known as section 82.462, to read as follows:

**82.462. 1. Except as provided in subsection 3 of this section, a
2 person who is not the owner of real property or who is a creditor
3 holding a lien interest on the property, and who suspects that the real
4 property may be abandoned, may enter upon the premises of the real
5 property to do the following:**

6 **(1) Without entering any structure located on the real property,
7 visually inspect the real property to determine whether the real
8 property may be abandoned;**

9 **(2) Upon a good faith determination based upon the inspection
10 that the property is abandoned, perform any of the following actions:**

11 **(a) Secure the real property;**

12 **(b) Remove trash or debris from the grounds of the real
13 property;**

14 **(c) Landscape, maintain, or mow the grounds of the real
15 property;**

16 **(d) Remove or paint over graffiti on the real property.**

17 **2. A person who enters upon the premises and conducts the
18 actions permitted in subsection 1 of this section and who makes a good
19 faith determination based upon the inspection that the property is
20 abandoned is immune from claims of civil and criminal trespass and all
21 other civil liability therefor, unless the act or omission constitutes**

22 gross negligence or willful, wanton, or intentional misconduct.

23 3. In the case of real property that is subject to a mortgage or
24 deed of trust, the creditor holding the debt secured by the mortgage or
25 deed of trust may not enter upon the premises of the real property
26 under subsection 1 of this section if entry is barred by an automatic
27 stay issued by a bankruptcy court.

28 4. For purposes of this section, "abandoned" property means:

29 (1) A vacant, unimproved lot zoned residential or commercial for
30 which the owner is in violation of a municipal nuisance or property
31 maintenance code; or

32 (2) With respect to actions taken pursuant to this section by a
33 creditor holding a lien interest in the property, a property which
34 contains a structure or building which has been continuously
35 unoccupied by persons legally entitled to possession for at least six
36 months prior to entry under this section and the creditor's debt
37 secured by such lien interest has been continuously delinquent for not
38 less than three months; or

39 (3) With respect to actions taken pursuant to this section by
40 persons other than creditors, a property which contains a structure or
41 building which has been continuously unoccupied by persons legally
42 entitled to possession for at least six months prior to entry under this
43 section, and for which the owner is in violation of a municipal nuisance
44 or property maintenance code, and for which either:

45 (a) Ad valorem property taxes are delinquent; or

46 (b) The property owner has failed to comply with any municipal
47 ordinance requiring registration of vacant property, or the
48 municipality has determined the structure to be uninhabitable due to
49 deteriorated conditions.

50 5. This section shall apply only to real property located in a city
51 with a population over three hundred fifty thousand which is partly
52 located in a first class charter county.

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