

FIRST REGULAR SESSION

SENATE BILL NO. 350

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR O'LAUGHLIN.

Read 1st time February 6, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1775S.011

AN ACT

To repeal section 441.233 and 535.010, RSMo, and to enact in lieu thereof three new sections relating to the removal of a tenant from a commercial property.

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

Section A. Section 441.233 and 535.010, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 441.233, 441.235,
3 and 535.010, to read as follows:

441.233. 1. Except as provided in [section] **sections 441.065 and**
2 **441.235**, a landlord or its agent who removes or excludes a tenant or the tenant's
3 personal property from the premises without judicial process and court order, or
4 causes such removal or exclusion, or causes the removal of the doors or locks to
5 such premises, shall be deemed guilty of forcible entry and detainer as described
6 in chapter 534.

7 2. Any landlord or its agent who willfully diminishes services to a tenant
8 by interrupting or causing the interruption of essential services, including but not
9 limited to electric, gas, water, or sewer service, to the tenant or to the premises
10 shall be deemed guilty of forcible entry and detainer as described in chapter 534;
11 provided however, this section shall not be applicable if a landlord or its agent
12 takes such action for health or safety reasons.

441.235. 1. For the purposes of this section, the term "premises"
2 **shall mean real property leased under the terms of a rental agreement**
3 **for commercial or business purposes, and shall not include real**
4 **property used for residential or agricultural purposes.**

5 **2. Notwithstanding the provisions of section 535.020, unless**
6 **provided otherwise in the lease, when a tenant is delinquent in paying**

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

7 rent for a period of more than forty-five consecutive days, the landlord
8 may reenter and take possession of the premises without judicial
9 process and court order if the landlord:

10 (1) At least forty-five days before reentering the premises
11 notifies the tenant of the default in the payment of rent due by first-
12 class mail or by posting written notice on the premises; and

13 (2) Mails a second notice of the tenant's default in the payment
14 of rent due by certified mail or posts such notice on the premises ten
15 days prior to reentering the property. This second notice shall include
16 a statement that the rent on the property has been due and unpaid and
17 that if the rent remains due and unpaid for more than forty-five
18 consecutive days, the landlord may reenter the premises and remove
19 and dispose of the possessions and personal property on the premises
20 unless the tenant pays all the rent due within ten days of the landlord
21 mailing or posting the second notice.

22 3. If the tenant refuses or fails to pay rent owing and due within
23 ten days of the mailing or posting of the second notice required by
24 subdivision (2) of subsection 2 of this section, the landlord shall have
25 a lien upon and may seize and sell as much personal property of the
26 tenant located on the premises and not exempted by law as is necessary
27 to secure payment of the rent.

28 4. The landlord shall have no liability for loss or damage to any
29 personal property left in or at the premises by reason of the landlord's
30 removal or sale of the property in accordance with provisions of this
31 section.

535.010. In all cases in which lands and tenements are or shall be rented
2 or leased, and default shall be made in the payment of the rents at the time or
3 times agreed upon by the parties, it shall be lawful for the landlord to dispossess
4 the tenant and all subtenants and recover possession of the premises rented or
5 leased, in the manner herein provided or as provided in section 441.235.

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