

SECOND REGULAR SESSION

HOUSE BILL NO. 2344

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VIEBROCK.

Read 1st time March 5, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5448L.01I

AN ACT

To repeal section 454.516 as enacted by senate substitute for senate committee substitute for house bill no. 2008, ninety-first general assembly, second regular session and section 454.516 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 895, ninety-first general assembly, second regular session, and to enact in lieu thereof one new section relating to child support liens.

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

Section A. Section 454.516 as enacted by senate substitute for senate committee
2 substitute for house bill no. 2008, ninety-first general assembly, second regular session and
3 section 454.516 as enacted by conference committee substitute for house substitute for house
4 committee substitute for senate bill no. 895, ninety-first general assembly, second regular
5 session, are repealed and one new section enacted in lieu thereof, to be known as section
6 454.516, to read as follows:

454.516. 1. The director or IV-D agency may cause a lien pursuant to subsections 2 and
2 3 of this section or the obligee may cause a lien pursuant to subsection 8 of this section for
3 unpaid and delinquent child support to block the issuance of a certificate of ownership for motor
4 vehicles, motor boats, outboard motors, manufactured homes and trailers that are registered in
5 the name of a delinquent child support obligor.

6 2. The director or IV-D agency shall notify the department of revenue with the required
7 information necessary to impose a lien pursuant to this section by filing a notice of lien.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 3. The director or IV-D agency shall not notify the department of revenue and the
9 department of revenue shall not register lien except as provided in this subsection. After the
10 director or IV-D agency decide that such lien qualifies pursuant to this section and forward it to
11 the department of revenue, the director of revenue or the director's designee shall only file such
12 lien against the obligor's certificate of ownership when:

13 (1) The obligor has unpaid child support which exceeds [one thousand dollars] **six**
14 **months of support payments;**

15 (2) The property has a value of more than three thousand dollars as determined by
16 current industry publications that provide such estimates to dealers in the business, and the
17 property's year of manufacture is within seven years of the date of filing of the lien except in the
18 case of a motor vehicle that has been designated a historic vehicle;

19 (3) The property has no more than two existing liens for child support;

20 (4) The property has had no more than three prior liens for child support in the same
21 calendar year.

22 4. In the event that a lien is placed and the obligor's total support obligation is
23 eliminated, the director shall notify the department of revenue that the lien shall be removed.

24 5. Upon notification that a lien exists pursuant to this section, the department of revenue
25 shall register the lien on the records of the department of revenue. Such registration shall contain
26 the type and model of the property and the serial number of the property.

27 6. Upon notification by the director that the lien shall be removed pursuant to subsection
28 4 of this section, the department of revenue shall register such removal of lien on its database,
29 that shall contain the type and model of the property and the serial number of the property.

30 7. A good faith purchaser for value without notice of the lien or a lender without notice
31 of the lien takes free of the lien.

32 8. In cases which are not IV-D cases, to cause a lien pursuant to the provisions of this
33 section the obligee or the obligee's attorney shall file notice of the lien with the department of
34 revenue. This notice shall have attached a certified copy of the court order with all modifications
35 and a sworn statement by the obligee or a certified statement from the court attesting to or
36 certifying the amount of arrearages.

37 9. Notwithstanding any other law to the contrary, the department of revenue shall
38 maintain a child support lien database that may be collected against the owner on a certificate
39 of ownership provided for by chapters 301, 306 and 700, RSMo. To determine any existing liens
40 for child support pursuant to this section, the lienholder, dealer or buyer may inquire
41 electronically into the database. A good faith purchaser for value without notice of the lien or
42 a lender without notice of the lien takes free of the lien.

2 [454.516. 1. The director or IV-D agency may cause a lien pursuant to
3 subsections 2 and 3 of this section or the obligee may cause a lien pursuant to
4 subsection 7 of this section for unpaid and delinquent child support to block the
5 issuance of a certificate of ownership for motor vehicles, motor boats, outboard
6 motors, manufactured homes and trailers that are registered in the name of a
7 delinquent child support obligor.

8 2. The director or IV-D agency shall notify the department of revenue
9 with the required information necessary to impose a lien pursuant to this section
10 by filing a notice of lien.

11 3. The director or IV-D agency shall not notify the department of revenue
12 and the department of revenue shall not register such lien except as provided in
13 this subsection. After the director or IV-D agency decides that such lien qualifies
14 pursuant to this section and forward it to the department of revenue, the director
15 of revenue or the director's designee shall only file such lien against the obligor's
16 certificate of ownership when:

17 (1) The obligor has unpaid child support which exceeds one thousand
18 dollars;

19 (2) The property has a value of more than three thousand dollars as
20 determined by current industry publications that provide such estimates to dealers
21 in the business, and the property's year of manufacture is within seven years of
22 the date of filing of the lien except in the case of a motor vehicle that has been
23 designated a historic vehicle;

24 (3) The property has no more than two existing liens for child support;

25 (4) The property has had no more than three prior liens for child support
26 in the same calendar year.

27 4. In the event that a lien is placed and the obligor's total support
28 obligation is eliminated, the director shall notify the department of revenue that
29 the lien shall be removed.

30 5. Upon notification that a lien exists pursuant to this section, the
31 department of revenue shall register the lien on the records of the department of
32 revenue. Such registration shall contain the type and model of the property and
33 the serial number of the property.

34 6. Upon notification by the director that the lien shall be removed
35 pursuant to subsection 4 of this section, the department of revenue shall register
36 such removal of lien on its datebank, that shall contain the type and model of the
37 property and the serial number of the property. The division or IV-D agency may
38 hold any satisfaction of the registered lien until the child support obligation is
39 satisfied, or levy and execute on the motor vehicle, motor boat, outboard motor,
40 manufactured home or trailer and sell same, at public sale, in order to satisfy the
41 debt.

42 7. In cases which are not IV-D cases, to cause a lien pursuant to the
43 provisions of this section the obligee or the obligee's attorney shall file notice of
the lien with the department of revenue. This notice shall have attached a

44 certified copy of the court order with all modifications and a sworn statement by
45 the obligee or a certified statement from the court attesting to or certifying the
46 amount of arrearages.

47 8. Notwithstanding any other law to the contrary, the department of
48 revenue shall maintain a child support lien database for outstanding child support
49 liens against the owner's certificate of ownership provided for by chapters 301,
50 306, and 700, RSMo. To determine any existing liens for child support pursuant
51 to this section, the lienholder, dealer, or buyer may inquire electronically into the
52 database. A good faith purchaser for value without notice of the lien in the
53 database or a lender without notice of the lien in the database takes free of the
54 lien.]

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