

SECOND REGULAR SESSION

HOUSE BILL NO. 2385

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE STEVENSON.

Read 1st time March 10, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5461L.01I

AN ACT

To amend chapter 301, RSMo, by adding thereto one new section relating to vehicles abandoned at automobile repair businesses.

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

Section A. Chapter 301, RSMo, is amended by adding thereto one new section, to be
2 known as section 301.285, to read as follows:

**301.285. 1. For purposes of this section, a vehicle left on the premises of an
2 automobile repair business shall be deemed abandoned if the vehicle is unclaimed by the
3 vehicle owner within one hundred twenty days from the time the repair work is complete.**

**4 2. Not later than forty-five days after the vehicle is deemed abandoned, the
5 automobile repair business upon whose premises the vehicle has been deemed abandoned
6 shall notify by certified mail with return receipt requested the last known registered owner
7 of the vehicle and all lienholders of record that the vehicle is being held, and unless claimed
8 within thirty days will be dismantled, destroyed, or sold at public sale to the highest bidder.
9 The name of the last known registered owner of the vehicle and all lienholders of record
10 may be obtained from the records of the Missouri department of revenue or the motor
11 vehicle records of any other state where the vehicle was last registered.**

**12 3. The notice, which shall also be posted on the front window of the automobile
13 repair business, shall describe the year, make, model, and vehicle identification number
14 of the abandoned vehicle, set forth the name, address, and telephone number of the facility
15 where the vehicle is being held, and inform the owner and any lienholders of their right to**

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.

16 **reclaim the vehicle not later than the thirtieth day after the date of the notice upon**
17 **payment of all towing and storage costs resulting from placing the vehicle in the custody**
18 **of the automobile repair shop and payment of all outstanding bills due to the automobile**
19 **repair business.**

20 **4. The notice shall also state that the failure of the owners or lienholders to exercise**
21 **their right to reclaim the vehicle within the time provided constitutes a waiver by the**
22 **owners and lienholders of all right, title, and interest in the vehicle, and constitutes their**
23 **consent to the sale, dismantling, or destruction of the abandoned vehicle.**

24 **5. Thirty days after notice has been given as described, the owner or operator of**
25 **the automobile repair business on whose premises the vehicle was abandoned shall execute**
26 **an affidavit stating that the vehicle has been found abandoned and is stored at the repair**
27 **business and that notice has been given, as provided in this section, to the registered**
28 **owners and all lienholders of record. The affidavit shall describe the vehicle by make,**
29 **year, model, and vehicle identification number.**

30 **6. The operator of the automobile repair business shall obtain written verification**
31 **that the vehicle is not listed by the Missouri state highway patrol as having been reported**
32 **stolen. Upon receipt of verification, the owner or operator of the automobile repair**
33 **business shall then sell the vehicle at a public sale to the highest bidder.**

34 **7. The automobile repair business shall supply the buyer with the necessary**
35 **documentation required in this section for the sale of the vehicle, and the buyer shall then**
36 **apply to the department of revenue for the title of the vehicle, submitting the affidavit and**
37 **documentation, and paying all license fees, title fees, and taxes required by law.**

38 **8. If the sale of the vehicle produces less funds than the sum of all charges, the**
39 **proceeds of the sale shall be applied in the following order:**

40 **(1) To the payment of the costs of the repair of the vehicle;**

41 **(2) To the payment of the costs of having the vehicle transported to the automobile**
42 **repair business, if applicable;**

43 **(3) To the payment of the costs of the sale and costs of processing paperwork.**

44 **9. If the sale of the vehicle produces more funds than the sum of all charges,**
45 **including the costs of the sale and a reasonable charge for processing paperwork, then**
46 **after thirty days from the date of the sale if no claim has been made by any owner or**
47 **lienholder for the balance of the proceeds, the balance of the proceeds of the sale shall go**
48 **to the treasurer of the state for deposit in the head injury fund established in section**
49 **304.028, RSMo.**

50 **10. If the person who has custody of an abandoned vehicle fails to comply with the**
51 **notice requirements of this section within forty-five days of the date the vehicle is deemed**
52 **abandoned, the amount recoverable shall be forfeited.**

53 **11. Upon presentation of documentation to the department of revenue establishing**
54 **compliance with the sale procedure in this section protecting the rights of the owner or**
55 **lienholder, the purchaser of the vehicle shall be entitled to receive a new title to the vehicle**
56 **upon meeting other applicable administrative requirements of the title and registration**
57 **laws.**

58 **12. The department of revenue may promulgate rules and regulations to implement**
59 **the provisions of this section. Any rule or portion of a rule, as that term is defined in**
60 **section 536.010, RSMo, that is created under the authority delegated in this section shall**
61 **become effective only if it complies with and is subject to all of the provisions of chapter**
62 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**
63 **RSMo, are nonseverable and if any of the powers vested with the general assembly**
64 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
65 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
66 **authority and any rule proposed or adopted after August 28, 2008, shall be invalid and**
67 **void.**

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