

FIRST REGULAR SESSION

HOUSE BILL NO. 315

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KRATKY (Sponsor),
STEVENSON AND PARKINSON (Co-sponsors).

1167L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 535.040, RSMo, and to enact in lieu thereof one new section relating to landlord-tenant actions.

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

Section A. Section 535.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 535.040, to read as follows:

535.040. **1.** Upon the return of the summons executed, the judge shall set the case on the first available court date and shall proceed to hear the cause, and if it shall appear that the rent which is due has been demanded of the tenant, lessee or persons occupying the property, and that payment has not been made, and if the payment of such rent, with all costs, shall not be tendered before the judge, on the hearing of the cause, the judge shall render judgment that the landlord recover the possession of the premises so rented or leased, and also the debt for the amount of the rent then due, with all court costs and shall issue an execution upon such judgment, commanding the officer to put the landlord into immediate possession of the property leased or rented, and to make the debt and costs of the goods and chattels of the defendant. No money judgment shall be granted to the plaintiff if the defendant is in default and service was by the posting procedure provided in section 535.030 unless the defendant otherwise enters an appearance. The officer shall deliver possession of the property to the landlord within five days from the time of receiving the execution, and the officer shall proceed upon the execution to collect the debt and costs, and return the writ, as in the case of other executions. If the plaintiff so elects, the plaintiff may sue for possession alone, without asking for recovery of the rent due.

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 **2. Except for willful, wanton, or malicious acts or omissions, neither the landlord,**
17 **nor his or her successors, assigns, agents, nor representatives shall be liable to any tenant**
18 **or subtenant for loss or damage to any household goods, furnishings, fixtures, or any other**
19 **personal property left in or at the dwelling by the tenant or subtenant of such dwelling, by**
20 **reason of the landlord's removal or disposal of the property under a court-ordered**
21 **execution for possession of the premises.**

22 **3. Notwithstanding the provisions of subsection 2 of this section, if, after the sheriff**
23 **has completed the court-ordered execution, property is left by the tenant in or at the**
24 **dwelling bearing a conspicuous permanent label or marking identifying it as the property**
25 **of a third party, the landlord shall make a reasonable effort to notify such third party, who**
26 **shall be given an opportunity to recover such property within five business days of the date**
27 **such notice is received. If the landlord is unable to notify the third party after reasonable**
28 **efforts have been made, the landlord may remove or dispose of such property and shall**
29 **incur no liability for any loss or damage thereto.**

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