

FIRST REGULAR SESSION

HOUSE BILL NO. 913

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JONES (117).

2267L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 301.200 and 430.082, RSMo, and to enact in lieu thereof two new sections relating to certificates of ownership on chattel, with penalty provisions.

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

Section A. Sections 301.200 and 430.082, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 301.200 and 430.082, to read as follows:

301.200. 1. In the case of dealers, a certificate of ownership or proof that a dealer has
2 applied for a certificate of ownership or that a prior lien has been satisfied by the dealer shall be
3 required in the case of each motor vehicle in his possession, and the director of revenue shall
4 determine the form in which application for such certificates of ownership and assignments shall
5 be made, in case forms differing from those used for individuals are, in his judgment, reasonably
6 required; provided, however, that no such certificates shall be required in the case of new motor
7 vehicles or trailers sold by manufacturers to dealers.

8 2. Dealers shall execute and deliver manufacturer's statements of origin in accordance
9 with forms prescribed by the director of revenue for all new cars sold by them. On the
10 presentation of a manufacturer's statement of origin, executed in the form prescribed by the
11 director of revenue, by a manufacturer or a dealer for a new car sold in this state, a certificate of
12 ownership shall be issued.

13 3. Each certificate of ownership issued by the department of revenue shall contain space
14 for four assignments. On all certificates of ownership containing fewer than four assignment
15 spaces, the director shall prescribe a secure document for use in making a fourth assignment by
16 a dealer. All secure documents for assignments which are spoiled shall be marked "void" and
17 shall be returned by the dealer to the department of revenue at the end of each month.

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.

18 **4. No entity that finances or establishes a line of credit that enables a motor vehicle**
19 **dealer to purchase a motor vehicle shall hold, or preclude a motor vehicle dealer from**
20 **holding, any certificate of ownership to a motor vehicle as part of that financing or line of**
21 **credit. Any entity that finances or establishes a line of credit that enables a motor vehicle**
22 **dealer to purchase vehicles, and who holds or prohibits a motor vehicle dealer from**
23 **holding, any certificate of ownership as part of that financing or line of credit shall upon**
24 **conviction be guilty of a class A misdemeanor, provided that a second or subsequent**
25 **offense shall be a class D felony.**

 430.082. 1. Every person expending labor, services, skill or material upon any motor
2 vehicle or trailer, as defined in chapter 301, RSMo, vessel, as defined in chapter 306, RSMo,
3 outboard motor or aircraft at a written request of its owner, authorized agent of the owner, or
4 person in lawful possession thereof, or who provides storage for a motor vehicle, trailer,
5 outboard motor or vessel, at the written request of its owner, authorized agent of the owner, or
6 person in lawful possession thereof, or at the written request of a peace officer in lieu of the
7 owner or owner's agent, where such owner or agent is not available to request storage thereof,
8 shall, where the maximum amount to be charged for labor, services, skill or material has been
9 stated as part of the written request or the daily charge for storage has been stated as part of the
10 written request, have a lien upon the chattel beginning upon the date of commencement of the
11 expenditure of labor, services, skill, materials or storage for the actual value of all the
12 expenditure of labor, services, skill, materials or storage until the possession of that chattel is
13 voluntarily relinquished to the owner, authorized agent, or one entitled to possession thereof.
14 The person furnishing labor, services, skill or material may retain the lien after surrendering
15 possession of the aircraft or part or equipment thereof by filing a statement in the office of the
16 county recorder of the county where the owner of the aircraft or part or equipment thereof
17 resides, if known to the claimant, and in the office of the county recorder of the county where
18 the claimant performed the services. Such statement shall be filed within thirty days after
19 surrendering possession of the aircraft or part or equipment thereof and shall state the claimant's
20 name and address, the items on account, the name of the owner and a description of the property,
21 and shall not bind a bona fide purchaser unless the lien has also been filed with the Federal
22 Aviation Administration Aircraft Registry.

23 2. If the chattel is not redeemed within [three months] **forty-five days** of the completion
24 of the requested labor, services, skill or material, the lienholder may apply to the director of
25 revenue for a certificate of ownership or certificate of title.

26 3. If the charges are for storage or the service of towing the motor vehicle, trailer,
27 outboard motor or vessel, and the chattel has not been redeemed [three months] **within forty-**
28 **five days** after the charges for storage commenced, the lienholder shall notify by certified mail,

29 postage prepaid, the owner and any lienholders of record other than the person making the
30 notification, at the person's last known address that application for a lien title will be made unless
31 the owner or lienholder within [forty-five] **thirty** days makes satisfactory arrangements with the
32 person holding the chattel for payment of storage or service towing charges, if any, or makes
33 satisfactory arrangements with the lienholder for paying such charges or for continued storage
34 of the chattel if desired. [Forty-five] **Thirty** days after the notification has been mailed and the
35 chattel is unredeemed, **or the notice has been returned marked "not fowardable" or**
36 **"addressee unknown"**, and no satisfactory arrangement has been made with the lienholder for
37 payment or continued storage, the lienholder may apply to the director of revenue for a certificate
38 of ownership or certificate of title as provided in this section.

39 4. The application shall be accompanied by:

40 (1) The original or a conformed or photostatic copy of the written request of the owner
41 or the owner's agent or of a peace officer with the maximum amount to be charged stated therein;

42 (2) An affidavit [of the] **from the lienholder that written notice was provided to all**
43 **owners and lienholders of the applicants' intent to apply for a certificate of ownership and**
44 the owner has defaulted on payment of labor, services, skill or material and that payment is [three
45 months] **forty-five days** past due, or that owner has defaulted on payment or has failed to make
46 satisfactory arrangements for continued storage of the chattel for [forty-five] **thirty** days since
47 notification of intent to make application for a certificate of ownership or certificate of title. **The**
48 **affidavit shall be accompanied by a copy of the thirty-day notice given by certified mail to**
49 **any owner and person holding a valid security interest and a copy of the certified mail**
50 **receipt indicating that the owner and lienholder of record was sent a notice as required in**
51 **this section;**

52 (3) A statement of the actual value of the expenditure of labor, services, skill or material,
53 or the amount of storage due on the date of application for a certificate of ownership or
54 certificate of title, and the amount which is unpaid; and

55 (4) A fee of ten dollars.

56 5. If the director is satisfied with the genuineness of the application, **proof of lienholder**
57 **notification in the form of a certified mail receipt**, and supporting documents, [the director
58 shall notify by certified mail, postage prepaid, the owner and any lienholders of record, other
59 than the applicant, at their last known address that application has been made for a lien title on
60 the chattel.

61 6. Thirty days after notification of the owner and lienholders,] **and** if no lienholder or
62 the owner has redeemed the chattel or no satisfactory arrangement has been made concerning
63 payment or continuation of storage [and the application has not been withdrawn], and if no
64 owner or lienholder has informed the director that the owner or lienholder demands a hearing

65 [and enforcement of the lien] as provided in [section 430.160] **this section**, the director shall
66 issue, in the same manner as a repossessed title is issued, a certificate of ownership or certificate
67 of title to the applicant which shall clearly be captioned "Lien Title".

68 [7.] **6.** Upon receipt of a lien title, the holder shall within ten days begin proceedings to
69 sell the chattel as prescribed in section 430.100.

70 [8.] **7.** The provisions of section 430.110 shall apply to the disposition of proceeds, and
71 the lienholder shall also be entitled to any actual and necessary expenses incurred in obtaining
72 the lien title, including, but not limited to, court costs and reasonable attorney's fees.

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