



Mr. Speaker: I am instructed by the Senate to inform the House of  
Representatives that the Senate has taken up and passed  
\_\_\_\_\_ HB 1909 \_\_\_\_\_ entitled:

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**AN ACT**

To repeal section 144.805, RSMo, and to enact in lieu thereof one new section relating to sales  
of aviation jet fuel.

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WITH SA 1 & SA 2

In which the concurrence of the House is respectfully requested.

Respectfully,

Terry L. Spieler  
Secretary of the Senate

MAY 16 2012



SENATE AMENDMENT NO. 1Offered by E. Cunningham of TennAmend House Bill No. 1909, Page 1, Section title, Lines 2-3,

2 of the title, by striking "sales of aviation jet fuel" and  
 3 inserting in lieu thereof the following: "aviation"; and

4 Further amend said bill, Page 2, Section 144.805, Line 34,  
 5 by inserting immediately after said line the following:

6 "430.020. Every person who shall keep or store any  
 7 vehicle[,] or part or equipment thereof, shall, for the amount  
 8 due therefor, have a lien; and every person who furnishes labor  
 9 or material on any vehicle [or aircraft,] or part or equipment  
 10 thereof, who shall obtain a written memorandum of the work or  
 11 material furnished, or to be furnished, signed by the owner of  
 12 the vehicle [or aircraft], or part or equipment thereof, and  
 13 every person who furnishes labor or material on any aircraft or  
 14 part or equipment thereof, who shall obtain a written memorandum  
 15 of the work or material furnished, or to be furnished, signed by  
 16 the owner, authorized agent of the owner, or person in lawful  
 17 possession of the aircraft or part or equipment thereof, shall  
 18 have a lien for the amount of such work or material as is ordered  
 19 or stated in such written memorandum. Such liens shall be on the  
 20 vehicle or aircraft, or part or equipment thereof, as shall be  
 21 kept or stored, or be placed in the possession of the person  
 22 furnishing the labor or material; provided, however, the person

read 5-16-12

adopted 5-16-12



1     furnishing the labor or material on the aircraft or part or  
2     equipment thereof, may retain the lien after surrendering  
3     possession of the aircraft or part or equipment thereof by filing  
4     a statement in the office of the county recorder of the county  
5     where the owner of the aircraft or part or equipment thereof  
6     resides, if known to the claimant, and in the office of the  
7     county recorder of the county where the labor or material was  
8     furnished. Such statement shall be filed within [thirty] one  
9     hundred eighty days after surrendering possession of the aircraft  
10    or part or equipment thereof and shall state the claimant's name  
11    and address, the items on account, the name of the owner and a  
12    description of the property, and shall not bind a bona fide  
13    purchaser unless said lien has also been filed with the Federal  
14    Aviation Administration Aircraft Registry.

15           430.082. 1. Every person expending labor, services, skill  
16    or material upon any motor vehicle or trailer, as defined in  
17    chapter 301, vessel, as defined in chapter 306, outboard motor  
18    [or], or aircraft, or part or equipment of an aircraft, at a  
19    written request of its owner, authorized agent of the owner, or  
20    person in lawful possession thereof, or who provides storage for  
21    a motor vehicle, trailer, outboard motor or vessel, at the  
22    written request of its owner, authorized agent of the owner, or  
23    person in lawful possession thereof, or at the written request of  
24    a peace officer in lieu of the owner or owner's agent, where such  
25    owner or agent is not available to request storage thereof,  
26    shall, where the maximum amount to be charged for labor,  
27    services, skill or material has been stated as part of the  
28    written request or the daily charge for storage has been stated  
29    as part of the written request, have a lien upon the chattel



1 beginning upon the date of commencement of the expenditure of  
2 labor, services, skill, materials or storage for the actual value  
3 of all the expenditure of labor, services, skill, materials or  
4 storage until the possession of that chattel is voluntarily  
5 relinquished to the owner, authorized agent, or one entitled to  
6 possession thereof. The person furnishing labor, services, skill  
7 or material upon an aircraft or part or equipment thereof, may  
8 retain the lien after surrendering possession of the aircraft or  
9 part or equipment thereof, by filing a statement in the office of  
10 the county recorder of the county where the owner of the aircraft  
11 or part or equipment thereof, resides, if known to the claimant,  
12 and in the office of the county recorder of the county where the  
13 claimant performed the services. Such statement shall be filed  
14 within [thirty] one hundred eighty days after surrendering  
15 possession of the aircraft or part or equipment thereof and shall  
16 state the claimant's name and address, the items on account, the  
17 name of the owner and a description of the property, and shall  
18 not bind a bona fide purchaser unless the lien has also been  
19 filed with the Federal Aviation Administration Aircraft Registry.

20 2. If the chattel is not redeemed within forty-five days of  
21 the completion of the requested labor, services, skill or  
22 material, the lienholder may apply to the director of revenue for  
23 a certificate of ownership or certificate of title.

24 3. If the charges are for storage or the service of towing  
25 the motor vehicle, trailer, outboard motor or vessel, and the  
26 chattel has not been redeemed within forty-five days after the  
27 charges for storage commenced, the lienholder shall notify by  
28 certified mail, postage prepaid, the owner and any lienholders of  
29 record other than the person making the notification, at the





1 person's last known address that application for a lien title  
2 will be made unless the owner or lienholder within thirty days  
3 makes satisfactory arrangements with the person holding the  
4 chattel for payment of storage or service towing charges, if any,  
5 or makes satisfactory arrangements with the lienholder for paying  
6 such charges or for continued storage of the chattel if desired.  
7 Thirty days after the notification has been mailed and the  
8 chattel is unredeemed, or the notice has been returned marked  
9 "not forwardable" or "addressee unknown", and no satisfactory  
10 arrangement has been made with the lienholder for payment or  
11 continued storage, the lienholder may apply to the director of  
12 revenue for a certificate of ownership or certificate of title as  
13 provided in this section.

14 4. The application shall be accompanied by:

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

18 (2) An affidavit from the lienholder that written notice  
19 was provided to all owners and lienholders of the applicants'  
20 intent to apply for a certificate of ownership and the owner has  
21 defaulted on payment of labor, services, skill or material and  
22 that payment is forty-five days past due, or that owner has  
23 defaulted on payment or has failed to make satisfactory  
24 arrangements for continued storage of the chattel for thirty days  
25 since notification of intent to make application for a  
26 certificate of ownership or certificate of title. The affidavit  
27 shall be accompanied by a copy of the thirty-day notice given by  
28 certified mail to any owner and person holding a valid security  
29 interest and a copy of the certified mail receipt indicating that



1 the owner and lienholder of record was sent a notice as required  
2 in this section;

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

7 (4) A fee of ten dollars.

8 5. If the director is satisfied with the genuineness of the  
9 application, proof of lienholder notification in the form of a  
10 certified mail receipt, and supporting documents, and if no  
11 lienholder or the owner has redeemed the chattel or no  
12 satisfactory arrangement has been made concerning payment or  
13 continuation of storage, and if no owner or lienholder has  
14 informed the director that the owner or lienholder demands a  
15 hearing as provided in this section, the director shall issue, in  
16 the same manner as a repossessed title is issued, a certificate  
17 of ownership or certificate of title to the applicant which shall  
18 clearly be captioned "Lien Title".

19 6. Upon receipt of a lien title, the holder shall within  
20 ten days begin proceedings to sell the chattel as prescribed in  
21 section 430.100.

22 7. The provisions of section 430.110 shall apply to the  
23 disposition of proceeds, and the lienholder shall also be  
24 entitled to any actual and necessary expenses incurred in  
25 obtaining the lien title, including, but not limited to, court  
26 costs and reasonable attorney's fees."; and

27 Further amend the title and enacting clause accordingly.  
28



SENATE AMENDMENT NO. 2Offered by Kraus of \_\_\_\_\_Amend \_\_\_\_\_ House \_\_\_\_\_ Bill No. 1909, Page 1, Section Title, Lines 2-3,

2 by striking the words "sales of aviation jet fuel" and inserting  
3 in lieu thereof the following: "aviation"; and

4 Further amend said bill, page 2, section 144.805, line 34,  
5 by inserting immediately after said line the following:

6 "701.550. 1. As used in this section the following terms  
7 mean:

8 (1) "Anemometer", an instrument for measuring and recording  
9 the speed of the wind;

10 (2) "Anemometer tower", a structure, including all guy  
11 wires and accessory facilities, that has been constructed solely  
12 for the purpose of mounting an anemometer to document whether a  
13 site has wind resources sufficient for the operation of a wind  
14 turbine generator;

15 (3) "Area surrounding the anchor point", an area not less  
16 than sixty-four square feet whose outer boundary is at least four  
17 feet from the anchor point.

18 2. Any anemometer tower that is fifty feet in height above  
19 the ground or higher that is located outside the exterior  
20 boundaries of any municipality, and whose appearance is not  
21 otherwise mandated by state or federal law, shall be marked,  
22 painted, flagged, or otherwise constructed to be recognizable in

*Offered 5-16-12*  
*adopted 5-16-12*



1 clear air during daylight hours. Any anemometer tower that was  
2 erected before August 28, 2012, shall be marked as required in  
3 this section by January 1, 2014. Any anemometer tower that is  
4 erected on or after August 28, 2012, shall be marked as required  
5 in this section at the time it is erected. Marking required  
6 under this section includes marking the anemometer tower, guy  
7 wires, and accessory facilities as follows:

8 (1) The top one-third of the anemometer tower shall be  
9 painted in equal, alternating bands of aviation orange and white,  
10 beginning with orange at the top of the tower and ending with  
11 orange at the bottom of the marked portion of the tower;

12 (2) Two marker balls shall be attached to and evenly spaced  
13 on each of the outside guy wires;

14 (3) The area surrounding each point where a guy wire is  
15 anchored to the ground shall have a contrasting appearance with  
16 any surrounding vegetation. If the adjacent land is grazed, the  
17 area surrounding the anchor point shall be fenced; and

18 (4) One or more seven-foot safety sleeves shall be placed  
19 at each anchor point and shall extend from the anchor point along  
20 each guy wire attached to the anchor point.

21 3. A violation of this section is a class B misdemeanor."  
22 and

23 Further amend the title and enacting clause accordingly.  
24

