

SECOND REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 1909

96TH GENERAL ASSEMBLY

6173L.01T

2012

AN ACT

To repeal sections 144.805, 430.020, and 430.082, RSMo, and to enact in lieu thereof four new sections relating to aviation, with a penalty provision for a certain section.

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

Section A. Sections 144.805, 430.020, and 430.082, RSMo, is repealed and four new
2 sections enacted in lieu thereof, to be known as sections 144.805, 430.020, 430.082, and
3 701.550, to read as follows:

144.805. 1. In addition to the exemptions granted pursuant to the provisions of section
2 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to
3 144.525, sections 144.600 to [144.748] **144.746**, and section 238.235, and the provisions of any
4 local sales tax law, as defined in section 32.085, and from the computation of the tax levied,
5 assessed or payable pursuant to sections 144.010 to 144.525, sections 144.600 to [144.748]
6 **144.746**, and section 238.235, and the provisions of any local sales tax law, as defined in section
7 32.085, all sales of aviation jet fuel in a given calendar year to common carriers engaged in the
8 interstate air transportation of passengers and cargo, and the storage, use and consumption of
9 such aviation jet fuel by such common carriers, if such common carrier has first paid to the state
10 of Missouri, in accordance with the provisions of this chapter, state sales and use taxes pursuant
11 to the foregoing provisions and applicable to the purchase, storage, use or consumption of such
12 aviation jet fuel in a maximum and aggregate amount of one million five hundred thousand
13 dollars of state sales and use taxes in such calendar year.

14 2. To qualify for the exemption prescribed in subsection 1 of this section, the common
15 carrier shall furnish to the seller a certificate in writing to the effect that an exemption pursuant
16 to this section is applicable to the aviation jet fuel so purchased, stored, used and consumed. The

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.

17 director of revenue shall permit any such common carrier to enter into a direct-pay agreement
18 with the department of revenue, pursuant to which such common carrier may pay directly to the
19 department of revenue any applicable sales and use taxes on such aviation jet fuel up to the
20 maximum aggregate amount of one million five hundred thousand dollars in each calendar year.
21 The director of revenue shall adopt appropriate rules and regulations to implement the provisions
22 of this section, and to permit appropriate claims for refunds of any excess sales and use taxes
23 collected in calendar year 1993 or any subsequent year with respect to any such common carrier
24 and aviation jet fuel.

25 3. The provisions of this section shall apply to all purchases and deliveries of aviation
26 jet fuel from and after May 10, 1993.

27 4. All sales and use tax revenues upon aviation jet fuel received pursuant to this chapter,
28 less the amounts specifically designated pursuant to the constitution or pursuant to section
29 144.701 for other purposes, shall be deposited to the credit of the aviation trust fund established
30 pursuant to section 155.090; provided however, the amount of such state sales and use tax
31 revenues deposited to the credit of such aviation trust fund shall not exceed ten million dollars
32 in each calendar year.

33 5. The provisions of this section and section 144.807 shall expire on December 31,
34 [2013] **2023**.

430.020. Every person who shall keep or store any vehicle[,] **or** part or equipment
2 thereof, shall, for the amount due therefor, have a lien; and every person who furnishes labor or
3 material on any vehicle [or aircraft,] or part or equipment thereof, who shall obtain a written
4 memorandum of the work or material furnished, or to be furnished, signed by the owner of the
5 vehicle [or aircraft], or part or equipment thereof, **and every person who furnishes labor or**
6 **material on any aircraft or part or equipment thereof, who shall obtain a written**
7 **memorandum of the work or material furnished, or to be furnished, signed by the owner,**
8 **authorized agent of the owner, or person in lawful possession of the aircraft or part or**
9 **equipment thereof,** shall have a lien for the amount of such work or material as is ordered or
10 stated in such written memorandum. Such liens shall be on the vehicle or aircraft, or part or
11 equipment thereof, as shall be kept or stored, or be placed in the possession of the person
12 furnishing the labor or material; provided, however, the person furnishing the labor or material
13 **on the aircraft or part or equipment thereof,** may retain the lien after surrendering possession
14 of the aircraft or part or equipment thereof by filing a statement in the office of the county
15 recorder of the county where the owner of the aircraft or part or equipment thereof resides, if
16 known to the claimant, and in the office of the county recorder of the county where the labor or
17 material was furnished. Such statement shall be filed within [thirty] **one hundred eighty** days
18 after surrendering possession of the aircraft or part or equipment thereof and shall state the
19 claimant's name and address, the items on account, the name of the owner and a description of

20 the property, and shall not bind a bona fide purchaser unless said lien has also been filed with
21 the Federal Aviation Administration Aircraft Registry.

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

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

27 3. If the charges are for storage or the service of towing the motor vehicle, trailer,
28 outboard motor or vessel, and the chattel has not been redeemed within forty-five days after the
29 charges for storage commenced, the lienholder shall notify by certified mail, postage prepaid, the
30 owner and any lienholders of record other than the person making the notification, at the person's
31 last known address that application for a lien title will be made unless the owner or lienholder
32 within thirty days makes satisfactory arrangements with the person holding the chattel for
33 payment of storage or service towing charges, if any, or makes satisfactory arrangements with
34 the lienholder for paying such charges or for continued storage of the chattel if desired. Thirty
35 days after the notification has been mailed and the chattel is unredeemed, or the notice has been

36 returned marked "not forwardable" or "addressee unknown", and no satisfactory arrangement has
37 been made with the lienholder for payment or continued storage, the lienholder may apply to the
38 director of revenue for a certificate 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 from the lienholder that written notice was provided to all owners and
43 lienholders of the applicants' intent to apply for a certificate of ownership and the owner has
44 defaulted on payment of labor, services, skill or material and that payment is forty-five days past
45 due, or that owner has defaulted on payment or has failed to make satisfactory arrangements for
46 continued storage of the chattel for thirty days since notification of intent to make application
47 for a certificate of ownership or certificate of title. The affidavit shall be accompanied by a copy
48 of the thirty-day notice given by certified mail to any owner and person holding a valid security
49 interest and a copy of the certified mail receipt indicating that the owner and lienholder of record
50 was sent a notice as required in this section;

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

54 (4) A fee of ten dollars.

55 5. If the director is satisfied with the genuineness of the application, proof of lienholder
56 notification in the form of a certified mail receipt, and supporting documents, and if no
57 lienholder or the owner has redeemed the chattel or no satisfactory arrangement has been made
58 concerning payment or continuation of storage, and if no owner or lienholder has informed the
59 director that the owner or lienholder demands a hearing as provided in this section, the director
60 shall issue, in the same manner as a repossessed title is issued, a certificate of ownership or
61 certificate of title to the applicant which shall clearly be captioned "Lien Title".

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

64 7. The provisions of section 430.110 shall apply to the disposition of proceeds, and the
65 lienholder shall also be entitled to any actual and necessary expenses incurred in obtaining the
66 lien title, including, but not limited to, court costs and reasonable attorney's fees.

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

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

4 (2) "Anemometer tower", a structure, including all guy wires and accessory
5 facilities, that has been constructed solely for the purpose of mounting an anemometer to

6 document whether a site has wind resources sufficient for the operation of a wind turbine
7 generator;

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

10 2. Any anemometer tower that is fifty feet in height above the ground or higher that
11 is located outside the exterior boundaries of any municipality, and whose appearance is not
12 otherwise mandated by state or federal law, shall be marked, painted, flagged, or otherwise
13 constructed to be recognizable in clear air during daylight hours. Any anemometer tower
14 that was erected before August 28, 2012, shall be marked as required in this section by
15 January 1, 2014. Any anemometer tower that is erected on or after August 28, 2012, shall
16 be marked as required in this section at the time it is erected. Marking required under this
17 section includes marking the anemometer tower, guy wires, and accessory facilities as
18 follows:

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

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

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

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

29 3. A violation of this section is a class B misdemeanor.

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