

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 12, Page 4, Section 488.026, Line 12, by
2 inserting after all of said section and line the following:

3
4 "512.180. 1. Any person aggrieved by a judgment in a civil case tried without a jury before
5 an associate circuit judge, other than an associate circuit judge sitting in the probate division or who
6 has been assigned to hear the case on the record under procedures applicable before circuit judges,
7 shall have the right of a trial de novo in all cases tried before municipal court or under the provisions
8 of chapters 482, 534, and 535, except in actions between a landlord and a tenant under chapter 535.

9 2. In all other contested civil cases tried with or without a jury before an associate circuit
10 judge or on assignment under such procedures applicable before circuit judges or in any
11 misdemeanor case or county ordinance violation case a record shall be kept, and any person
12 aggrieved by a judgment rendered in any such case may have an appeal upon that record to the
13 appropriate appellate court. At the discretion of the judge, but in compliance with the rules of the
14 supreme court, the record may be a stenographic record or one made by the utilization of electronic,
15 magnetic, or mechanical sound or video recording devices.

16 534.055. If the tenant has an unauthorized pet on the landlord's property, the landlord may
17 contact the appropriate local animal control officer or animal shelter to have the pet removed from
18 the property or may terminate the lease agreement. As used in this section, "unauthorized pet"
19 means:

20 (1) A pet prohibited by the lease or any local ordinance; or

21 (2) Any animal deemed aggressive.

22 534.060. Forcible entries and detainers, and unlawful detainers, may be heard and
23 determined by any associate circuit judge of the county in which they are committed. Neither the
24 provisions of this section or any other section in this chapter shall preclude adoption of a local circuit
25 court rule providing for the centralized filing of such cases, nor the assignment of such cases to
26 particular associate circuit or circuit judges pursuant to local circuit court rule or action by the
27 presiding judge of the circuit. Such cases shall be heard and determined by associate circuit judges
28 unless a circuit judge is transferred or assigned to hear such case or cases or unless the plaintiff
29 pursuant to subsection 2 of section 478.250 has designated the case as one to be heard under the
30 practice and procedure applicable before circuit judges and the case is heard by a circuit judge. If the
31 case is heard before an associate circuit judge who has not been specially assigned to hear the case on
32 the record, to the extent practice and procedure are not provided in this chapter the practice and
33 procedure provided in chapter 517 shall apply. If the case is heard initially before an associate
34 circuit judge who has been specially assigned to hear the case on a record or before a circuit judge,
35 the case shall be heard and determined under the same practice and procedure as would apply if the
36 case was being heard upon an application for trial de novo unless the case involves an action between
37 a landlord and a tenant, and in such instances, notwithstanding the specific references to chapter 517

Action Taken _____ Date _____

1 in this chapter, the practice and procedure provided in the Missouri Rules of Civil Procedure and the
2 extant provisions of The Civil Code of Missouri shall apply instead of those contained in chapter
3 517.

4 535.020. 1. Whenever any rent has become due and payable, and payment has been
5 demanded by the landlord or the landlord's agent from the lessee or person occupying the premises,
6 and payment thereof has not been made, the landlord or agent may file a statement, verified by
7 affidavit, with any associate circuit judge in the county in which the property is situated, setting forth
8 the terms on which such property was rented, and the amount of rent actually due to such landlord;
9 that the rent has been demanded from the tenant, lessee or person occupying the premises, and that
10 payment has not been made, and substantially describing the property rented or leased. Giving the
11 notice provided in section 441.060 is not required prior to filing a statement or obtaining the relief
12 provided in this chapter. In such case, the clerk of the court shall immediately issue a summons
13 directed to such tenant or lessee and to all persons occupying the premises, by name, requiring them
14 to appear before the judge upon a day to be therein named, and show cause why possession of the
15 property should not be restored to the plaintiff. The landlord or agent may, in such an action for
16 unpaid rent, join a claim for any other unpaid sums, other than property damages, regardless of how
17 denominated or defined in the lease, to be paid by or on behalf of a tenant to a landlord for any
18 purpose set forth in the lease; provided that such other sums shall not be considered rent for purposes
19 of this chapter, and judgment for the landlord for recovery of such other sums shall not by itself
20 entitle the landlord to an order for recovery of possession of the premises. The provisions of this
21 section providing for the filing of a statement before an associate circuit judge shall not preclude
22 adoption of a local circuit court rule providing for the centralized filing of such cases, nor the
23 assignment of such cases to particular circuit or associate circuit judges pursuant to local circuit court
24 rule or action by the presiding judge of the circuit. The case shall be heard and determined under the
25 practice and procedure provided in the Missouri rules of civil procedure, except where otherwise
26 provided by this chapter.

27 2. If a judgment has been entered in favor of the plaintiff under subsection 1 of this section
28 for recovery of the premises, the sheriff of the county in which the premises is located, within ten
29 days of such judgment, may inspect the premises for the sole purpose of determining safety prior to
30 the removal of any contents as required by the court.

31 535.030. 1. Such summons shall be served as in other civil cases at least four days before
32 the court date in the summons. The summons shall include a court date which shall not be more than
33 twenty-one business days from the date the summons is issued unless at the time of filing the
34 affidavit the plaintiff or plaintiff's attorney consents in writing to a later date.

35 2. In addition to attempted personal service, the plaintiff may request, and thereupon the
36 clerk of the court shall make an order directing that the officer, or other person empowered to
37 execute the summons, shall also serve the same by securely affixing a copy of such summons and the
38 complaint in a conspicuous place on the dwelling of the premises in question at least ten days before
39 the court date in such summons, and by also mailing a copy of the summons and complaint to the
40 defendant at the defendant's last known address by ordinary mail at least ten days before the court
41 date. If the officer, or other person empowered to execute the summons, shall return that the
42 defendant is not found, or that the defendant has absconded or vacated his or her usual place of
43 abode in this state, and if proof be made by affidavit of the posting and of the mailing of a copy of
44 the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the case as
45 if there had been personal service, and judgment shall be rendered and proceedings had as in other
46 cases, except that no money judgment shall be granted the plaintiff where the defendant is in default
47 and service is by the posting and mailing procedure set forth in this section.

48 3. If the plaintiff does not request service of the original summons by posting and mailing as

provided in subsection 2 of this section, and if the officer, or other person empowered to execute the summons, makes return that the defendant is not found, or that the defendant has absconded or vacated the defendant's usual place of abode in this state, the plaintiff may request the issuance of an alias summons and service of the same by posting and mailing in the time and manner provided in subsection 2 of this section. In addition, the plaintiff or an agent of the plaintiff who is at least eighteen years of age may serve the summons by posting and mailing a copy of the summons in the time and manner provided in subsection 2 of this section. Upon proof by affidavit of the posting and of the mailing of a copy of the summons or alias summons and the complaint, the judge shall proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure provided in subsection 2 of this section.

4. On the date judgment is rendered as provided in this section where the defendant is in default, the clerk of the court shall mail to the defendant at the defendant's last known address by ordinary mail a notice informing the defendant of the judgment and the date it was entered, and stating that the defendant has ten days from the date of the judgment to file a motion to set aside the judgment [or to file an application for a trial de novo] in the circuit court, as the case may be, and that unless the judgment is set aside [or an application for a trial de novo is filed] within ten days, the judgment will become final and the defendant will be subject to eviction from the premises without further notice.

535.110. Applications for [trials de novo and] appeals shall be allowed and conducted in the manner provided in chapter 512; but no application for [a trial de novo or] an appeal shall stay execution unless the defendant give bond, with security sufficient to secure the payment of all damages, costs and rent then due, and with condition to stay waste and to pay all subsequently accruing rent, if any, into court within [ten] three days after it becomes due, pending determination of the [trial de novo or] appeal.

535.160. If the defendant, on the date any money judgment is given in any action pursuant to this chapter, either tenders to the landlord, or brings into the court where the suit is pending, all the rent then in arrears, and all the costs, further proceedings in the action shall cease and be stayed. If on any date after the date of any original trial [but before any trial de novo] the defendant shall satisfy such money judgment and pay all costs, any execution for possession of the subject premises shall cease and be stayed; except that the landlord shall not thereby be precluded from making application for appeal from such money judgment. If for any reason no money judgment is entered against the defendant and judgment for the plaintiff is limited only to possession of the subject premises, no stay of execution shall be had, except as provided by the provisions of section 535.110 or the rules of civil procedure or by agreement of the parties.

535.170. After the execution of any judgment for possession pursuant to this chapter, the lessee and the lessee's assignees, and all other persons deriving title under the lease from such lessee, shall be barred from reentry of such premises and from all relief, and except for error in the record or proceedings, the landlord shall from that day hold the demised premises discharged from the lease. Nothing in this section shall preclude an aggrieved party from perfecting an appeal [or securing a trial de novo] as to any judgment rendered, and may as a result of such appeal [or trial de novo] recover any damage incurred, including damages incurred from an unlawful dispossession.

535.190. If a tenant appears before a judge in an action for nonpayment of rent, the court shall inquire, on the record, about the tenant's current residence and current place of employment.

535.200. 1. In the twenty-second judicial circuit, upon adoption of an ordinance by the city of St. Louis providing for expenditure of city funds for such purpose, a majority of the circuit judges, en banc, may establish a landlord-tenant court, which shall be a division of the circuit court, and may

1 authorize the appointment of not more than two landlord-tenant court commissioners. The
 2 landlord-tenant court commissioners shall be appointed by a landlord-tenant court judicial
 3 commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge
 4 elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the
 5 circuit, and two members appointed by the mayor of the city of St. Louis, each of whom shall
 6 represent one of the two political parties casting the highest number of votes at the next preceding
 7 gubernatorial election. The procedures and operations of the landlord-tenant court judicial
 8 commission shall be established by circuit court rule.

9 2. Landlord-tenant commissioners may be authorized to hear in the first instance disputes
 10 involving landlords and their tenants. Landlord-tenant commissioners shall be authorized to make
 11 findings of fact and conclusions of law, and to issue orders for the payment of money, for the giving
 12 or taking of possession of residential property and any other equitable relief necessary to resolve
 13 disputes governed by the laws in chapters 441, 524, 534, and this chapter. Landlord-tenant
 14 commissioners may not, by ex parte means, hear cases and issue orders.

15 3. Landlord-tenant commissioners shall be licensed to practice law in this state and shall
 16 serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be
 17 residents of the city of St. Louis, and shall receive as annual compensation an amount equal to
 18 one-third of the annual compensation of an associate circuit judge. Landlord-tenant commissioners
 19 shall not accept or handle cases in their practice of law which are inconsistent with their duties as a
 20 landlord-tenant commissioner and shall not be a judge or prosecutor for any other court.
 21 Landlord-tenant commissioners shall not be considered state employees and shall not be members of
 22 the state employees' or judicial retirement system or be eligible to receive any other employment
 23 benefit accorded state employees or judges.

24 4. A majority of the judges of the circuit, en banc, shall establish operating procedures for
 25 the landlord-tenant court. Proceedings in the landlord-tenant court shall be conducted as in cases
 26 tried before an associate circuit judge. The hearing shall be before a landlord-tenant commissioner
 27 without jury, and the commissioner shall assume an affirmative duty to determine the merits of the
 28 evidence presented and the defenses of the defendant and may question parties and witnesses. Clerks
 29 and computer personnel shall be assigned as needed for the efficient operation of the court.

30 5. The parties to a cause of action before a commissioner of the landlord-tenant court are
 31 entitled to file with the court a motion for a hearing in associate circuit court within ten days after the
 32 mailing, or within ten days after service.

33 6. Operating procedures shall be provided for electronic recording of proceedings at city
 34 expense. Any person aggrieved by a judgment in a case decided under this section shall have a right
 35 to [a trial de novo in circuit court, or] an appeal to the appropriate appellate court, in the same
 36 manner as would a person aggrieved by a decision of an associate circuit judge under section
 37 535.110. The procedures for perfecting the right of [a trial de novo or] an appeal shall be the same as
 38 that provided pursuant to sections 512.180 to 512.320.

39 7. Any summons issued for the proceedings in the landlord-tenant court shall have a return
 40 date of ten days. The sheriff must attempt to serve any summons within four days of the date of
 41 issuance.

42 8. All costs to establish and operate a landlord-tenant court under this section shall be borne
 43 by the city of St. Louis.

44 535.210. 1. In the sixteenth judicial circuit, upon adoption of an ordinance by Jackson
 45 County providing for expenditure of county funds for such purpose, a majority of the circuit court
 46 judges, en banc, may establish a landlord-tenant court, which shall be a division of the circuit court,
 47 and may authorize the appointment of not more than two landlord-tenant court commissioners. The
 48 landlord-tenant court commissioners shall be appointed by a landlord-tenant court judicial

1 commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge
 2 elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the
 3 circuit, and two members appointed by the county executive of Jackson County, each of whom shall
 4 represent one of the two political parties casting the highest number of votes at the next preceding
 5 gubernatorial election. The procedures and operations of the landlord-tenant court judicial
 6 commission shall be established by circuit court rule.

7 2. Landlord-tenant commissioners may be authorized to hear in the first instance disputes
 8 involving landlords and their tenants. Landlord-tenant commissioners shall be authorized to make
 9 findings of fact and conclusions of law, and to issue orders for the payment of money, for the giving
 10 or taking of possession of residential property and any other equitable relief necessary to resolve
 11 disputes governed by the laws in chapters 441, 524, 534, and this chapter. Landlord-tenant
 12 commissioners may not, by ex parte means, hear cases and issue orders.

13 3. Landlord-tenant commissioners shall be licensed to practice law in this state and shall
 14 serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be
 15 residents of Jackson County, and shall receive as annual compensation an amount equal to one-third
 16 of the annual compensation of an associate circuit judge. Landlord-tenant commissioners shall not
 17 accept or handle cases in their practice of law which are inconsistent with their duties as a
 18 landlord-tenant commissioner and shall not be a judge or prosecutor for any other court.
 19 Landlord-tenant commissioners shall not be considered state employees and shall not be members of
 20 the state employees' or judicial retirement system or be eligible to receive any other employment
 21 benefit accorded state employees or judges.

22 4. A majority of the judges of the circuit court, en banc, shall establish operating procedures
 23 for the landlord-tenant court. Proceedings in the landlord-tenant court, shall be conducted as in cases
 24 tried before an associate circuit judge. The hearing shall be before a landlord-tenant commissioner
 25 without jury, and the commissioner shall assume an affirmative duty to determine the merits of the
 26 evidence presented and the defenses of the defendant and may question parties and witnesses. Clerks
 27 and computer personnel shall be assigned as needed for the efficient operation of the court.

28 5. The parties to a cause of action before a commissioner of the landlord-tenant court are
 29 entitled to file with the court a motion for a hearing in associate circuit court within ten days after the
 30 mailing, or within ten days after service.

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 32 expense. Any person aggrieved by a judgment in a case decided under this section shall have a right
 33 to [a trial de novo in circuit court, or] an appeal to the appropriate appellate court, in the same
 34 manner as would a person aggrieved by a decision of an associate circuit judge under section
 35 535.110. The procedures for perfecting the right of [a trial de novo or] an appeal shall be the same as
 36 that provided pursuant to sections 512.180 to 512.320.

37 7. Any summons issued for the proceedings in the landlord-tenant court shall have a return
 38 date of ten days from the date of service. The sheriff must attempt to serve any summons within four
 39 days of the date of issuance.

40 8. All costs to establish and operate a landlord-tenant court under this section shall be borne
 41 by Jackson County."; and

42
 43 Further amend said bill by amending the title, enacting clause, and intersectional references
 44 accordingly.