

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 203,  
2 Page 1, Section A, Line 4, by inserting after all of said section and line the following:

3  
4 "82.462. 1. Except as provided in subsection 3 of this section, a person who is not the  
5 owner of real property or who is a creditor holding a lien interest on the property, and who suspects  
6 that the real property may be abandoned may enter upon the premises of the real property, without  
7 having a right to a mechanics lien pursuant to section 429.010, to do the following:

8 (1) Without entering any structure located on the real property, visually inspect the real  
9 property to determine whether the real property may be abandoned;

10 (2) Upon a good faith determination based upon the inspection that the property is  
11 abandoned, perform any of the following actions:

12 (a) Secure the real property;

13 (b) Remove trash or debris from the grounds of the real property;

14 (c) Landscape, maintain, or mow the grounds of the real property;

15 (d) Remove or paint over graffiti on the real property.

16 2. A person who enters upon the premises and conducts the actions permitted in subsection  
17 1 of this section and who makes a good faith determination based upon the inspection that the  
18 property is abandoned shall be:

19 (1) Immune from claims of civil and criminal trespass and all other civil liability therefor,  
20 unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct.

21 (2) Barred from bringing a civil action against the property owner seeking damages as a  
22 result of physical injury, unless the property owner's act or omission constitutes gross negligence or  
23 willful, wanton, or intentional misconduct.

24 3. In the case of real property that is subject to a mortgage or deed of trust, the creditor  
25 holding the debt secured by the mortgage or deed of trust may not enter upon the premises of the  
26 real property under subsection 1 of this section if entry is barred by an automatic stay issued by a  
27 bankruptcy court.

28 4. As used in this section, "abandoned property" shall mean:

29 (1) A vacant, unimproved lot zoned residential or commercial for which the owner is in  
30 violation of a county or municipal nuisance or property maintenance ordinance; or

31 (2) With respect to actions taken pursuant to this section by a creditor holding a lien interest  
32 in the property, a property which contains a structure or building which has been continuously  
33 unoccupied by persons legally entitled to possession for at least six months prior to entry under this  
34 section and the creditor's debt secured by such lien interest has been continuously delinquent for not  
35 less than three months; or

36 (3) With respect to actions taken pursuant to this section by persons other than creditors, a

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

property which contains a structure or building which has been continuously unoccupied by persons legally entitled to possession for at least six months prior to entry under this section, and for which the owner is in violation of a county or municipal nuisance or property maintenance ordinance, and for which either:

(a) Ad valorem property taxes are delinquent; or

(b) The property owner has failed to comply with any county or municipal ordinance requiring registration of vacant property, or the county or municipality has determined the structure to be uninhabitable due to deteriorated conditions;

5. This section shall apply only to real property located in any home rule city with more than four hundred thousand inhabitants and located in more than one county, in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, in any home rule city with more than one hundred sixteen thousand but fewer than one hundred fifty-five thousand inhabitants, and in any city not within a county."; and

Further amend said bill, Page 1, Section 82.1025, Lines 1 to 11, by removing all of said lines from the bill and inserting in lieu thereof the following:

~~"82.1025. 1. [This Section applies] Sections 82.1025, 82.1027 and 82.1030 apply to a nuisance located within the boundaries of [any county of the first classification with a charter form of government and a population greater than nine hundred thousand, in any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants, in any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, in any home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants, in] any city not within a county [and] or in any home rule city with at least three hundred fifty thousand inhabitants which is located in more than one county.";~~  
and

Further amend said bill and section, Page 4, Line 91, by inserting after all of said line the following:

"9. Property owners bringing a lawsuit based on the prima facie case standard under subsections 5 and 7 of this section, or seeking attorney fees and expenses under subsection 8 of this section, shall be limited to lawsuits involving property ownership in any home rule city with more than three hundred fifty thousand inhabitants and located in more than one county or any city not within a county and shall otherwise be limited to the general standards for nuisance applying to other political subdivisions under section 1 of this section."; and

Further amend said bill, Pages 8 - 10, Section 393.320, Lines 1 - 73, by removing all of said section and lines from the bill; and

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