

SENATE BILL NO. 146

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

1000S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 535.040, RSMo, and to enact in lieu thereof six new sections relating to landlord-tenant actions.

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

Section A. Section 535.040, RSMo, is repealed and six new sections enacted in lieu thereof, to be known as sections 534.142, 534.155, 534.157, 535.040, 535.065, and 535.067, to read as follows:

534.142. 1. If a defendant was personally served a summons under subsection 1 of section 534.090, no judgment shall be entered until at least sixty days after the defendant was personally served. If the summons was executed as provided in subsection 2 of section 534.090, the court shall not enter any judgment until at least ninety days after notice was executed under subsection 2 of section 534.090.

2. A judgment shall not include any interest or late fees if the landlord or tenant received any financial assistance or other moneys from any government agency toward the payment of rent for the property rented.

534.155. If, after a judgment under this chapter, the defendant is unable to locate the proper party to which to pay the judgment, such judgment shall be removed or abated after two years from the date of judgment. The provisions of this section shall apply only if the title of the rented

6 property has transferred within two years after the entry of
7 the judgment.

534.157. 1. All transfers of title of real property
2 for rental properties with outstanding collectible judgments
3 shall be filed in the circuit court within thirty days after
4 transfer of title.

2. Within thirty days of transfer of title of real
6 property for rental properties with outstanding collectible
7 judgments, the seller and buyer of the property shall notify
8 tenants in writing of the new ownership.

535.040. 1. Upon the return of the summons executed,
2 the judge shall set the case on the first available court
3 date and shall proceed to hear the cause, and if it shall
4 appear that the rent which is due has been demanded of the
5 tenant, lessee or persons occupying the property, and that
6 payment has not been made, and if the payment of such rent,
7 with all costs, shall not be tendered before the judge, on
8 the hearing of the cause, the judge shall render judgment
9 that the landlord recover the possession of the premises so
10 rented or leased, and also the debt for the amount of the
11 rent then due, with all court costs and shall issue an
12 execution upon such judgment, commanding the officer to put
13 the landlord into immediate possession of the property
14 leased or rented, and to make the debt and costs of the
15 goods and chattels of the defendant. No money judgment
16 shall be granted to the plaintiff if the defendant is in
17 default and service was by the posting procedure provided in
18 section 535.030 unless the defendant otherwise enters an
19 appearance. The officer shall deliver possession of the
20 property to the landlord within five days from the time of
21 receiving the execution, and the officer shall proceed upon
22 the execution to collect the debt and costs, and return the

23 writ, as in the case of other executions. If the plaintiff
24 so elects, the plaintiff may sue for possession alone,
25 without asking for recovery of the rent due.

26 2. Except for willful, wanton, or malicious acts or
27 omissions, neither the landlord nor his or her successors,
28 assigns, agents, nor representatives shall be liable to any
29 tenant or subtenant for loss or damage to any household
30 goods, furnishings, fixtures, or any other personal property
31 left in or at the dwelling by the tenant or subtenant of
32 such dwelling, by the reason of the landlord's removal or
33 disposal of the property under a court-ordered execution for
34 possession of the premises.

35 3. Notwithstanding the provisions of subsection 2 of
36 this section, if, after the sheriff has completed the court-
37 ordered execution, property is left by the tenant in or at
38 the dwelling bearing a conspicuous permanent label or
39 marking identifying it as the property of a third party, the
40 landlord shall notify the third party by certified mail with
41 a return receipt requested. The third party shall be given
42 an opportunity to recover such property within five business
43 days of the date such notice is received. If the landlord
44 is unable to notify the third party, the landlord may remove
45 or dispose of such property and shall incur no liability for
46 any loss or damage thereto.

47 **4. If a defendant was personally served a summons**
48 **under subsection 1 of section 535.030, no judgment shall be**
49 **entered until at least sixty days after the defendant was**
50 **personally served. If the summons was executed as provided**
51 **in subsection 2 or 3 of section 535.030, the court shall not**
52 **enter any judgment until at least ninety days after notice**
53 **was executed under subsection 2 or 3 of section 535.030.**

54 5. A judgment shall not include any interest or late
55 fees if the landlord or tenant received any financial
56 assistance or other moneys from any government agency toward
57 the payment of rent for the property rented.

 535.065. If, after a judgment under this chapter, the
2 defendant is unable to locate the proper party to which to
3 pay the judgment, such judgment shall be removed or abated.
4 The provisions of this section shall apply only if the title
5 of the rented property has transferred within two years
6 after the entry of the judgment.

 535.067. 1. All transfers of title of real property
2 for rental properties with outstanding collectible judgments
3 shall be filed in the circuit court within thirty days after
4 transfer of title.

 2. Within thirty days of transfer of title of real
6 property for rental properties with outstanding collectible
7 judgments, the seller and buyer of the property shall notify
8 tenants in writing of the new ownership.

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