

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 655

97TH GENERAL ASSEMBLY

2014

4143H.04T

AN ACT

To repeal sections 67.281, 441.005, 441.500, 441.760, 441.770, 512.180, 516.350, 534.060, 534.350, 534.360, 534.380, 535.030, 535.110, 535.160, 535.170, 535.200, 535.210, and 569.130, RSMo, and to enact in lieu thereof eighteen new sections relating to property.

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

Section A. Sections 67.281, 441.005, 441.500, 441.760, 441.770, 512.180, 516.350, 534.060, 534.350, 534.360, 534.380, 535.030, 535.110, 535.160, 535.170, 535.200, 535.210, and 569.130, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 67.281, 441.005, 441.500, 441.760, 441.770, 512.180, 516.350, 534.060, 534.350, 534.360, 534.380, 535.030, 535.110, 535.160, 535.170, 535.200, 535.210, and 569.130, to read as follows:

67.281. 1. A builder of one- or two-family dwellings or townhouses shall offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling or townhouse. Notwithstanding any other provision of law to the contrary, no purchaser of such a one- or two-family dwelling or townhouse shall be denied the right to choose or decline to install a fire sprinkler system in such dwelling or townhouse being purchased by any code, ordinance, rule, regulation, order, or resolution by any county or other political subdivision. Any county or other political subdivision shall provide in any such code, ordinance, rule, regulation, order, or resolution the mandatory option for purchasers to have the right to choose and the requirement that builders offer to purchasers the option to purchase fire sprinklers in connection with the purchase of any one- or two-

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 family dwelling or townhouse. The provisions of this section shall expire on
14 December 31, [2019] **2024**.

15 2. Any governing body of any political subdivision that adopts the 2009
16 International Residential Code for One- and Two-Family Dwellings or a
17 subsequent edition of such code without mandated automatic fire sprinkler
18 systems in Section R313 of such code shall retain the language in section R317
19 of the 2006 International Residential Code for two-family dwellings (R317.1) and
20 townhouses (R317.2).

 441.005. Except as otherwise provided, when used in chapter 534, chapter
2 535, or this chapter, the following terms mean:

3 (1) **"Landlord", the owner or lessor of the premises or a person**
4 **authorized by the owner to exercise any aspect of the management of**
5 **the premises;**

6 (2) "Lease", a written or oral agreement for the use or possession of
7 premises;

8 [(2)] (3) "Lessee", any person who leases premises from another[, and any
9 person residing on the premises with the lessee's permission] **to the exclusion**
10 **of others during the rental or lease period and who is obligated to pay**
11 **rent;**

12 [(3)] (4) "Premises", land, tenements, condominium or cooperative units,
13 air rights and all other types of real property leased under the terms of a rental
14 agreement, including any facilities and appurtenances, to such premises, and any
15 grounds, areas and facilities held out for the use of tenants generally or the use
16 of which is promised to the tenant. "Premises" include structures, fixed or
17 mobile, temporary or permanent, vessels, manufactured homes as defined in
18 section 700.010, mobile trailer homes and vehicles which are used or intended for
19 use primarily as a dwelling or as a place for commercial or industrial operations
20 or storage;

21 [(4)] (5) "Rent", a stated payment for the temporary possession or use of
22 a house, land or other real property, made at fixed intervals by a tenant **or**
23 **lessee** to a landlord;

24 (6) **"Tenant", a person who occupies the premises with the**
25 **landlord's consent.**

 441.500. As used in sections 441.500 to 441.643, the following terms
2 mean:

3 (1) "Abatement", the removal or correction, including demolition, of any

4 condition at a property that violates the provisions of any duly enacted building
5 or housing code, as well as the making of such other improvements or corrections
6 as are needed to effect the rehabilitation of the property or structure, including
7 the closing or physical securing of the structure;

8 (2) "Agent", a person authorized by an owner to act for him;

9 (3) "Code enforcement agency", the official, agency, or board that has been
10 delegated the responsibility for enforcing the housing code by the governing body;

11 (4) "Community", any county or municipality;

12 (5) "County", any county in the state;

13 (6) "Dwelling unit", premises or part thereof occupied, used, or held out
14 for use and occupancy as a place of abode for human beings, whether occupied or
15 vacant;

16 (7) "Governing body", the board, body or persons in which the powers of
17 a community are vested;

18 (8) "Housing code", a local building, fire, health, property maintenance,
19 nuisance or other ordinance which contains standards regulating the condition
20 or maintenance of residential buildings;

21 (9) "Local housing corporation", a not-for-profit corporation organized
22 pursuant to the laws of the state of Missouri for the purpose of promoting housing
23 development and conservation within a specified area of a municipality or an
24 unincorporated area;

25 (10) "Municipality", any incorporated city, town, or village;

26 (11) "Neighborhood association", any group of persons organized for the
27 sole purpose of improvement of a particular geographic area having specific
28 boundaries within a municipality, provided that such association is recognized by
29 the municipality as the sole association for such purpose within such geographic
30 area;

31 (12) "Notice of deficiency", a notice or other order issued by the code
32 enforcement agency and requiring the elimination or removal of deficiencies found
33 to exist under the housing code;

34 (13) "Nuisance", a violation of provisions of the housing code applying to
35 the maintenance of the buildings or dwellings which the code official in the
36 exercise of reasonable discretion believes constitutes a threat to the public health,
37 safety or welfare;

38 (14) "Occupant", any person **lawfully** occupying a dwelling unit as his or
39 her place of residence, **either as a tenant or a lessee**, whether or not that

40 person is occupying the dwelling unit as a tenant from month to month or under
41 a written lease, undertaking or other agreement;

42 (15) "Owner", the record owner or owners, and the beneficial owner or
43 owners when other than the record owner, of the freehold of the premises or
44 lesser estate therein, a mortgagee or vendee in possession, assignee of rents,
45 receiver, personal representative, trustee, lessee, agent, or any other person in
46 control of a dwelling unit;

47 (16) "Person", any individual, corporation, association, partnership, or
48 other entity.

441.760. 1. If the plaintiff has met its burden of proof for a complete
2 eviction but the tenant successfully pleads an affirmative defense to the eviction
3 pursuant to section 441.750, then the court shall not terminate the tenancy but
4 shall order the immediate removal of any person who the court finds conducted
5 the drug-related activity which was the subject of the eviction proceeding.

6 **2. If the plaintiff presents evidence that a person is not lawfully**
7 **occupying a dwelling unit as either a tenant or a lessee, the court shall**
8 **order the immediate removal of such person unlawfully occupying the**
9 **dwelling unit.**

441.770. 1. If the grounds for an eviction have been established pursuant
2 to subsection 1 of section 441.740, the court shall order that the tenant be evicted
3 from the leased property. **Following the order, the tenant shall have**
4 **twenty-four hours to vacate the premises and the landlord shall**
5 **subsequently have a right to reenter and take possession of the**
6 **premises.**

7 2. If the grounds for a removal have been established pursuant to
8 subsection 2 of section 441.740, the court shall order that those persons found to
9 be engaging in the criminal activity described therein be immediately removed
10 and barred from the leased property, but the court shall not order the tenancy be
11 terminated.

12 3. The court may order the expedited execution of an eviction or removal
13 order by requiring the order's enforcement by the appropriate agency within a
14 specified number of days after final judgment.

15 4. The court may stay execution of an eviction or removal order for a
16 reasonable length of time if the moving party establishes by clear and convincing
17 evidence that immediate removal or eviction would pose a serious danger to the
18 party and that this danger outweighs the safety, health and well-being of the

19 surrounding community and of the plaintiff.

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

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

516.350. 1. Every judgment, order or decree of any court of record of the
2 United States, or of this or any other state, territory or country, except for any
3 judgment, order, or decree awarding child support or maintenance or dividing
4 pension, retirement, life insurance, or other employee benefits in connection with
5 a dissolution of marriage, legal separation or annulment which mandates the
6 making of payments over a period of time or payments in the future, shall be
7 presumed to be paid and satisfied after the expiration of ten years from the date
8 of the original rendition thereof, or if the same has been revived upon personal
9 service duly had upon the defendant or defendants therein, then after ten years
10 from and after such revival, or in case a payment has been made on such
11 judgment, order or decree, and duly entered upon the record thereof, after the
12 expiration of ten years from the last payment so made, and after the expiration
13 of ten years from the date of the original rendition or revival upon personal
14 service, or from the date of the last payment, such judgment shall be conclusively
15 presumed to be paid, and no execution, order or process shall issue thereon, nor
16 shall any suit be brought, had or maintained thereon for any purpose whatever.
17 An action to emancipate a child, and any personal service or order rendered
18 thereon, shall not act to revive the support order.

19 2. In any judgment, order, or decree awarding child support or
20 maintenance, each periodic payment shall be presumed paid and satisfied after
21 the expiration of ten years from the date that periodic payment is due, unless the

22 judgment has been otherwise revived as set out in subsection 1 of this
23 section. This subsection shall take effect as to all such judgments, orders, or
24 decrees which have not been presumed paid pursuant to subsection 1 of this
25 section as of August 31, 1982.

26 3. In any judgment, order, or decree dividing pension, retirement, life
27 insurance, or other employee benefits in connection with a dissolution of
28 marriage, legal separation or annulment, each periodic payment shall be
29 presumed paid and satisfied after the expiration of ten years from the date that
30 periodic payment is due, unless the judgment has been otherwise revived as set
31 out in subsection 1 of this section. This subsection shall take effect as to all such
32 judgments, orders, or decrees which have not been presumed paid pursuant to
33 subsection 1 of this section as of August 28, 2001.

34 4. In any judgment, order or decree awarding child support or
35 maintenance, payment duly entered on the record as provided in subsection 1 of
36 this section shall include recording of payments or credits in the automated child
37 support system created pursuant to chapter 454 by the division of child support
38 enforcement or payment center pursuant to chapter 454.

39 **5. Any judgment, order, or decree awarding unpaid rent may be**
40 **revived upon publication consistent with the publication requirements**
41 **of section 506.160 and need not be personally served on the defendant.**

534.060. Forcible entries and detainers, and unlawful detainers, may be
2 heard and determined by any associate circuit judge of the county in which they
3 are committed. Neither the provisions of this section or any other section in this
4 chapter shall preclude adoption of a local circuit court rule providing for the
5 centralized filing of such cases, nor the assignment of such cases to particular
6 associate circuit or circuit judges pursuant to local circuit court rule or action by
7 the presiding judge of the circuit. Such cases shall be heard and determined by
8 associate circuit judges unless a circuit judge is transferred or assigned to hear
9 such case or cases or unless the plaintiff pursuant to subsection 2 of section
10 478.250 has designated the case as one to be heard under the practice and
11 procedure applicable before circuit judges [and the case is heard by a circuit
12 judge. If the case is heard before an associate circuit judge who has not been
13 specially assigned to hear the case on the record]. **All cases under this**
14 **chapter shall be heard on the record. Unless the plaintiff under**
15 **subsection 2 of section 478.250 has designated the case as one to be**
16 **heard under the practice and procedure applicable before circuit**

17 **judges**, to the extent practice and procedure are not provided in this chapter the
18 practice and procedure provided in chapter 517 shall apply. If the [case is heard
19 initially before an associate circuit judge who has been specially assigned to hear
20 the case on a record or before a circuit judge, the case shall be heard and
21 determined under the same practice and procedure as would apply if the case was
22 being heard upon an application for trial de novo, and in such instances,
23 notwithstanding the specific references to chapter 517 in this chapter,] **plaintiff**
24 **under subsection 2 of section 478.250 has designated the case as one to**
25 **be heard under the practice and procedure applicable before circuit**
26 **judges, the case shall be heard and determined under the rules of**
27 practice and procedure provided in the Missouri Rules of Civil Procedure [and the
28 extant provisions of The Civil Code of Missouri shall apply] instead of those
29 contained in chapter 517, **notwithstanding the specific references to**
30 **chapter 517 in this chapter.**

534.350. The judge rendering judgment in any such cause may issue
2 execution at any time after judgment, but such execution shall not be levied until
3 after the expiration of the time allowed for [the filing of an application for trial
4 de novo or] the taking of an appeal, except as in the next succeeding section is
5 provided.

534.360. If it shall appear to the officer having charge of the execution
2 that the defendant therein is about to remove, conceal or dispose of his property,
3 so as to hinder or delay the levy, the rents and profits, damages and costs may
4 be levied before the expiration of the time allowed for [the filing of an application
5 for a trial de novo or] taking an appeal.

534.380. Applications for [trials de novo and] appeals shall be allowed and
2 conducted in the manner provided [in chapter 512] **in other civil cases.**
3 Application for [a trial de novo or] appeal shall not stay execution for restitution
4 of the premises unless the defendant gives bond within the time for appeal. The
5 bond shall be for the amount of the judgment and with the condition to stay
6 waste and to pay all subsequently accruing rent, if any, into court within ten days
7 after it becomes due, pending determination of the trial de novo or appeal, subject
8 to the judge's discretion. However, in any case in which the defendant receives
9 a reduction in rent due to a local, state or federal subsidy program, the amount
10 of the bond shall be reduced by the amount of said subsidy. Execution other than
11 for restitution shall be stayed if the defendant files a bond in the proper amount
12 at such time as otherwise provided by law.

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

6 2. In addition to attempted personal service, the plaintiff may request,
7 and thereupon the clerk of the court shall make an order directing that the
8 officer, or other person empowered to execute the summons, shall also serve the
9 same by securely affixing a copy of such summons and the complaint in a
10 conspicuous place on the dwelling of the premises in question at least ten days
11 before the court date in such summons, and by also mailing a copy of the
12 summons and complaint to the defendant at the defendant's last known address
13 by ordinary mail at least ten days before the court date. If the officer, or other
14 person empowered to execute the summons, shall return that the defendant is not
15 found, or that the defendant has absconded or vacated his or her usual place of
16 abode in this state, and if proof be made by affidavit of the posting and of the
17 mailing of a copy of the summons and complaint, the judge shall at the request
18 of the plaintiff proceed to hear the case as if there had been personal service, and
19 judgment shall be rendered and proceedings had as in other cases, except that no
20 money judgment shall be granted the plaintiff where the defendant is in default
21 and service is by the posting and mailing procedure set forth in this section.

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

37 subsection 2 of this section.

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

535.110. Applications for [trials de novo and] appeals shall be allowed and
2 conducted in the manner provided [in chapter 512] **in other civil cases**; but no
3 application for [a trial de novo or] **an** appeal shall stay execution unless the
4 defendant give bond, with security sufficient to secure the payment of all
5 damages, costs and rent then due, and with condition to stay waste and to pay all
6 subsequently accruing rent, if any, into court within ten days after it becomes
7 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
2 action pursuant to this chapter, either tenders to the landlord, or brings into the
3 court where the suit is pending, all the rent then in arrears, and all the costs,
4 further proceedings in the action shall cease and be stayed. If on any date after
5 the date of any original trial [but before any trial de novo] the defendant shall
6 satisfy such money judgment and pay all costs, any execution for possession of the
7 subject premises shall cease and be stayed; except that the landlord shall not
8 thereby be precluded from making application for appeal from such money
9 judgment. If for any reason no money judgment is entered against the defendant
10 and judgment for the plaintiff is limited only to possession of the subject
11 premises, no stay of execution shall be had, except as provided by the provisions
12 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
2 this chapter, the lessee and the lessee's assignees, and all other persons deriving
3 title under the lease from such lessee, shall be barred from reentry of such
4 premises and from all relief, and except for error in the record or proceedings, the
5 landlord shall from that day hold the demised premises discharged from the
6 lease. Nothing in this section shall preclude an aggrieved party from perfecting
7 an appeal [or securing a trial de novo] as to any judgment rendered, and may as

8 a result of such appeal [or trial de novo] recover any damage incurred, including
9 damages incurred from an unlawful dispossession.

535.200. 1. In the twenty-second judicial circuit, upon adoption of an
2 ordinance by the city of St. Louis providing for expenditure of city funds for such
3 purpose, a majority of the circuit judges, en banc, may establish a landlord-tenant
4 court, which shall be a division of the circuit court, and may authorize the
5 appointment of not more than two landlord-tenant court commissioners. The
6 landlord-tenant court commissioners shall be appointed by a landlord-tenant
7 court judicial commission consisting of the presiding judge of the circuit, who
8 shall be the chair, one circuit judge elected by the circuit judges, one associate
9 circuit judge elected by the associate circuit judges of the circuit, and two
10 members appointed by the mayor of the city of St. Louis, each of whom shall
11 represent one of the two political parties casting the highest number of votes at
12 the next preceding gubernatorial election. The procedures and operations of the
13 landlord-tenant court judicial commission shall be established by circuit court
14 rule.

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

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

34 4. A majority of the judges of the circuit, en banc, shall establish

35 operating procedures for the landlord-tenant court. Proceedings in the
36 landlord-tenant court shall be conducted as in cases tried before an associate
37 circuit judge. The hearing shall be before a landlord-tenant commissioner
38 without jury, and the commissioner shall assume an affirmative duty to
39 determine the merits of the evidence presented and the defenses of the defendant
40 and may question parties and witnesses. Clerks and computer personnel shall
41 be assigned as needed for the efficient operation of the court.

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

46 6. Operating procedures shall be provided for electronic recording of
47 proceedings at city expense. Any person aggrieved by a judgment in a case
48 decided under this section shall have a right to [a trial de novo in circuit court,
49 or] an appeal to the appropriate appellate court, in the same manner as would
50 a person aggrieved by a decision of an associate circuit judge under section
51 535.110. The procedures for perfecting the right of [a trial de novo or] an appeal
52 shall be the same as that provided pursuant to sections 512.180 to 512.320.

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

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

535.210. 1. In the sixteenth judicial circuit, upon adoption of an
2 ordinance by Jackson County providing for expenditure of county funds for such
3 purpose, a majority of the circuit court judges, en banc, may establish a
4 landlord-tenant court, which shall be a division of the circuit court, and may
5 authorize the appointment of not more than two landlord-tenant court
6 commissioners. The landlord-tenant court commissioners shall be appointed by
7 a landlord-tenant court judicial commission consisting of the presiding judge of
8 the circuit, who shall be the chair, one circuit judge elected by the circuit judges,
9 one associate circuit judge elected by the associate circuit judges of the circuit,
10 and two members appointed by the county executive of Jackson County, each of
11 whom shall represent one of the two political parties casting the highest number
12 of votes at the next preceding gubernatorial election. The procedures and
13 operations of the landlord-tenant court judicial commission shall be established

14 by circuit court rule.

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

23 3. Landlord-tenant commissioners shall be licensed to practice law in this
24 state and shall serve at the pleasure of a majority of the circuit and associate
25 circuit judges, en banc, and shall be residents of Jackson County, and shall
26 receive as annual compensation an amount equal to one-third of the annual
27 compensation of an associate circuit judge. Landlord-tenant commissioners shall
28 not accept or handle cases in their practice of law which are inconsistent with
29 their duties as a landlord-tenant commissioner and shall not be a judge or
30 prosecutor for any other court. Landlord-tenant commissioners shall not be
31 considered state employees and shall not be members of the state employees' or
32 judicial retirement system or be eligible to receive any other employment benefit
33 accorded state employees or judges.

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

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

46 6. Operating procedures shall be provided for electronic recording of
47 proceedings at county expense. Any person aggrieved by a judgment in a case
48 decided under this section shall have a right to [a trial de novo in circuit court,
49 or] an appeal to the appropriate appellate court, in the same manner as would

50 a person aggrieved by a decision of an associate circuit judge under section
51 535.110. The procedures for perfecting the right of [a trial de novo or] **an** appeal
52 shall be the same as that provided pursuant to sections 512.180 to 512.320.

53 7. Any summons issued for the proceedings in the landlord-tenant court
54 shall have a return date of ten days from the date of service. [The sheriff]
55 **Service** must [attempt to serve any summons] **be attempted** within four days
56 of the date of issuance.

57 8. All costs to establish and operate a landlord-tenant court under this
58 section shall be borne by Jackson County.

569.130. 1. A person does not commit an offense by damaging, tampering
2 with, operating, riding in or upon, or making connection with property of another
3 if he **or she** does so under a claim of right and has reasonable grounds to believe
4 he **or she** has such a right.

5 2. The defendant shall have the burden of injecting the issue of claim of
6 right.

7 3. **No person who, as a tenant, willfully or wantonly destroys,**
8 **defaces, damages, impairs, or removes any part of a leased structure or**
9 **dwelling unit, or the facilities, equipment, or appurtenances thereof,**
10 **may inject the issue of claim of right.**

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