

HB 1010 -- Lien Titles on Motor Vehicles for Storage or Repair Fees

Sponsor: Faith

This bill changes the laws regarding the placement of liens on motor vehicles, trailers, outboard motors, aircrafts, and vessels for storage or repair fees. In its main provisions, the bill:

(1) Defines "affidavit" as a written declaration made under oath before a notary public or authorized official as required by the Director of the Department of Revenue under Chapters 301 and 306, RSMo;

(2) Allows a lienholder to apply for a lien title if the lienholder has notified the owner and any lienholder of record, by certified mail, that an application for a lien title will be made unless the owner or lienholder makes satisfactory arrangements within 45 days or if the notice by certified mail has been returned marked "not forwardable" or "addressee unknown";

(3) Allows a lienholder to apply for a lien title after notice by certified mail has been sent and not returned accompanied by an affidavit from the lienholder that written notice was provided to all owners and lienholders and a copy of the written notice given by certified mail evidencing the notice was sent;

(4) Allows the department director to issue a lien title upon satisfaction that the application is genuine and no lienholder or owner has redeemed the item or demanded a hearing. Currently, the department director must notify the owner and lienholder upon receipt of the application; and

(5) Allows the owner or lienholder, within 10 days of receiving notification that an entity is applying for a lien title, to file a petition in the associate circuit court in the county where the item is stored to determine if the item was wrongfully taken or withheld from the owner. The department director cannot issue a lien title until the petition is finally decided.