

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 485**  
**96TH GENERAL ASSEMBLY**

4504L.03C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 400.9-311, 430.020, and 430.082, RSMo, and to enact in lieu thereof three new sections relating to statutory liens against personalty.

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

Section A. Sections 400.9-311, 430.020, and 430.082, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 400.9-311, 430.020, and 430.082, to read as follows:

400.9-311. (a) Except as otherwise provided in subsection (d), the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

(1) A statute, regulation, or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt section 400.9-310(a);

(2) Sections 301.600 to 301.661, section 700.350, and section 400.2A-304; or

(3) A certificate-of-title statute of another jurisdiction which provides for a security interest to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

(b) Compliance with the requirements of a statute, regulation, or treaty described in subsection (a) for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under this article. Except as otherwise provided in subsection (d) and sections 400.9-313 and 400.9-316(d) and (e) for goods covered by a certificate of title, a security interest in property subject to a statute, regulation, or treaty described in subsection (a) may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (c) Except as otherwise provided in subsection (d) and section 400.9-316(d) and (e),  
18 duration and renewal of perfection of a security interest perfected by compliance with the  
19 requirements prescribed by a statute, regulation, or treaty described in subsection (a) are  
20 governed by the statute, regulation, or treaty. In other respects, the security interest is subject to  
21 this article.

22 (d) During any period in which collateral is inventory held for sale or lease by a person  
23 or leased by that person as lessor and that person is in the business of selling [or leasing] goods  
24 of that kind, this section does not apply to a security interest in that collateral created by that  
25 person [as debtor].

430.020. Every person who shall keep or store any vehicle[,] **or** part or equipment  
2 thereof, shall, for the amount due therefor, have a lien; and every person who furnishes labor or  
3 material on any vehicle [or aircraft,] or part or equipment thereof, who shall obtain a written  
4 memorandum of the work or material furnished, or to be furnished, signed by the owner of the  
5 vehicle [or aircraft], or part or equipment thereof, **and every person who furnishes labor or**  
6 **material on any aircraft or part or equipment thereof, who shall obtain a written**  
7 **memorandum of the work or material furnished, or to be furnished, signed by the owner,**  
8 **authorized agent of the owner, or person in lawful possession of the aircraft or part or**  
9 **equipment thereof,** shall have a lien for the amount of such work or material as is ordered or  
10 stated in such written memorandum. Such liens shall be on the vehicle or aircraft, or part or  
11 equipment thereof, as shall be kept or stored, or be placed in the possession of the person  
12 furnishing the labor or material; provided, however, the person furnishing the labor or material  
13 **on the aircraft or part or equipment thereof,** may retain the lien after surrendering possession  
14 of the aircraft or part or equipment thereof by filing a statement in the office of the county  
15 recorder of the county where the owner of the aircraft or part or equipment thereof resides, if  
16 known to the claimant, and in the office of the county recorder of the county where the labor or  
17 material was furnished. Such statement shall be filed within [thirty] **one hundred eighty** days  
18 after surrendering possession of the aircraft or part or equipment thereof and shall state the  
19 claimant's name and address, the items on account, the name of the owner and a description of  
20 the property, and shall not bind a bona fide purchaser unless said lien has also been filed with  
21 the Federal Aviation Administration Aircraft Registry.

430.082. 1. Every person expending labor, services, skill or material upon any motor  
2 vehicle or trailer, as defined in chapter 301, vessel, as defined in chapter 306, outboard motor  
3 [or] , **or aircraft, or part or equipment of an aircraft,** at a written request of its owner,  
4 authorized agent of the owner, or person in lawful possession thereof, or who provides storage  
5 for a motor vehicle, trailer, outboard motor or vessel, at the written request of its owner,  
6 authorized agent of the owner, or person in lawful possession thereof, or at the written request

7 of a peace officer in lieu of the owner or owner's agent, where such owner or agent is not  
8 available to request storage thereof, shall, where the maximum amount to be charged for labor,  
9 services, skill or material has been stated as part of the written request or the daily charge for  
10 storage has been stated as part of the written request, have a lien upon the chattel beginning upon  
11 the date of commencement of the expenditure of labor, services, skill, materials or storage for  
12 the actual value of all the expenditure of labor, services, skill, materials or storage until the  
13 possession of that chattel is voluntarily relinquished to the owner, authorized agent, or one  
14 entitled to possession thereof. The person furnishing labor, services, skill or material **upon an**  
15 **aircraft or part or equipment thereof**, may retain the lien after surrendering possession of the  
16 aircraft or part or equipment thereof, by filing a statement in the office of the county recorder of  
17 the county where the owner of the aircraft or part or equipment thereof, resides, if known to the  
18 claimant, and in the office of the county recorder of the county where the claimant performed the  
19 services. Such statement shall be filed within [thirty] **one hundred eighty** days after  
20 surrendering possession of the aircraft or part or equipment thereof and shall state the claimant's  
21 name and address, the items on account, the name of the owner and a description of the property,  
22 and shall not bind a bona fide purchaser unless the lien has also been filed with the Federal  
23 Aviation Administration Aircraft Registry.

24         2. If the chattel is not redeemed within forty-five days of the completion of the requested  
25 labor, services, skill or material, the lienholder may apply to the director of revenue for a  
26 certificate of ownership or certificate of title.

27         3. If the charges are for storage or the service of towing the motor vehicle, trailer,  
28 outboard motor or vessel, and the chattel has not been redeemed within forty-five days after the  
29 charges for storage commenced, the lienholder shall notify by certified mail, postage prepaid, the  
30 owner and any lienholders of record other than the person making the notification, at the person's  
31 last known address that application for a lien title will be made unless the owner or lienholder  
32 within thirty days makes satisfactory arrangements with the person holding the chattel for  
33 payment of storage or service towing charges, if any, or makes satisfactory arrangements with  
34 the lienholder for paying such charges or for continued storage of the chattel if desired. Thirty  
35 days after the notification has been mailed and the chattel is unredeemed, or the notice has been  
36 returned marked "not forwardable" or "addressee unknown", and no satisfactory arrangement has  
37 been made with the lienholder for payment or continued storage, the lienholder may apply to the  
38 director of revenue for a certificate of ownership or certificate of title as provided in this section.

39         4. The application shall be accompanied by:

40         (1) The original or a conformed or photostatic copy of the written request of the owner  
41 or the owner's agent or of a peace officer with the maximum amount to be charged stated therein;

42 (2) An affidavit from the lienholder that written notice was provided to all owners and  
43 lienholders of the applicants' intent to apply for a certificate of ownership and the owner has  
44 defaulted on payment of labor, services, skill or material and that payment is forty-five days past  
45 due, or that owner has defaulted on payment or has failed to make satisfactory arrangements for  
46 continued storage of the chattel for thirty days since notification of intent to make application  
47 for a certificate of ownership or certificate of title. The affidavit shall be accompanied by a copy  
48 of the thirty-day notice given by certified mail to any owner and person holding a valid security  
49 interest and a copy of the certified mail receipt indicating that the owner and lienholder of record  
50 was sent a notice as required in this section;

51 (3) A statement of the actual value of the expenditure of labor, services, skill or material,  
52 or the amount of storage due on the date of application for a certificate of ownership or  
53 certificate of title, and the amount which is unpaid; and

54 (4) A fee of ten dollars.

55 5. If the director is satisfied with the genuineness of the application, proof of lienholder  
56 notification in the form of a certified mail receipt, and supporting documents, and if no  
57 lienholder or the owner has redeemed the chattel or no satisfactory arrangement has been made  
58 concerning payment or continuation of storage, and if no owner or lienholder has informed the  
59 director that the owner or lienholder demands a hearing as provided in this section, the director  
60 shall issue, in the same manner as a repossessed title is issued, a certificate of ownership or  
61 certificate of title to the applicant which shall clearly be captioned "Lien Title".

62 6. Upon receipt of a lien title, the holder shall within ten days begin proceedings to sell  
63 the chattel as prescribed in section 430.100.

64 7. The provisions of section 430.110 shall apply to the disposition of proceeds, and the  
65 lienholder shall also be entitled to any actual and necessary expenses incurred in obtaining the  
66 lien title, including, but not limited to, court costs and reasonable attorney's fees.

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