

FIRST REGULAR SESSION

HOUSE BILL NO. 1010

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FAITH (Sponsor), JONES (117), ALLEN, FUNDERBURK,
ZERR, SMITH (150), DENISON AND BRANDOM (Co-sponsors).

1997L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 301.010 and 430.082, RSMo, and to enact in lieu thereof two new sections relating to liens on motor vehicles.

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

Section A. Sections 301.010 and 430.082, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 301.010 and 430.082, to read as follows:

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:

(1) **"Affidavit", written declaration made under oath before a notary public or authorized official which is required when prescribed by the director of the department of revenue for this chapter and chapter 306;**

(2) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;

[(2)] (3) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

[(3)] (4) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

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.

16 [(4)] (5) "Boat transporter", any vehicle combination designed and used specifically to
17 transport assembled boats and boat hulls;

18 [(5)] (6) "Body shop", a business that repairs physical damage on motor vehicles that are
19 not owned by the shop or its officers or employees by mending, straightening, replacing body
20 parts, or painting;

21 [(6)] (7) "Bus", a motor vehicle primarily for the transportation of a driver and eight or
22 more passengers but not including shuttle buses;

23 [(7)] (8) "Commercial motor vehicle", a motor vehicle designed or regularly used for
24 carrying freight and merchandise, or more than eight passengers but not including vanpools or
25 shuttle buses;

26 [(8)] (9) "Cotton trailer", a trailer designed and used exclusively for transporting cotton
27 at speeds less than forty miles per hour from field to field or from field to market and return;

28 [(9)] (10) "Dealer", any person, firm, corporation, association, agent or subagent engaged
29 in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

30 [(10)] (11) "Director" or "director of revenue", the director of the department of revenue;

31 [(11)] (12) "Driveaway operation":

32 (a) The movement of a motor vehicle or trailer by any person or motor carrier other than
33 a dealer over any public highway, under its own power singly, or in a fixed combination of two
34 or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

35 (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting
36 the commodity being transported, by a person engaged in the business of furnishing drivers and
37 operators for the purpose of transporting vehicles in transit from one place to another by the
38 driveaway or towaway methods; or

39 (c) The movement of a motor vehicle by any person who is lawfully engaged in the
40 business of transporting or delivering vehicles that are not the person's own and vehicles of a
41 type otherwise required to be registered, by the driveaway or towaway methods, from a point of
42 manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent
43 of a manufacturer or to any consignee designated by the shipper or consignor;

44 [(12)] (13) "Dromedary", a box, deck, or plate mounted behind the cab and forward of
45 the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck
46 tractor equipped with a dromedary may carry part of a load when operating independently or in
47 a combination with a semitrailer;

48 [(13)] (14) "Farm tractor", a tractor used exclusively for agricultural purposes;

49 [(14)] (15) "Fleet", any group of ten or more motor vehicles owned by the same owner;

50 [(15)] (16) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

51 [(16)] (17) "Fullmount", a vehicle mounted completely on the frame of either the first
52 or last vehicle in a saddlemount combination;

53 [(17)] (18) "Gross weight", the weight of vehicle and/or vehicle combination without
54 load, plus the weight of any load thereon;

55 [(18)] (19) "Hail-damaged vehicle", any vehicle, the body of which has become dented
56 as the result of the impact of hail;

57 [(19)] (20) "Highway", any public thoroughfare for vehicles, including state roads,
58 county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

59 [(20)] (21) "Improved highway", a highway which has been paved with gravel,
60 macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard,
61 smooth surface;

62 [(21)] (22) "Intersecting highway", any highway which joins another, whether or not it
63 crosses the same;

64 [(22)] (23) "Junk vehicle", a vehicle which is incapable of operation or use upon the
65 highways and has no resale value except as a source of parts or scrap, and shall not be titled or
66 registered;

67 [(23)] (24) "Kit vehicle", a motor vehicle assembled by a person other than a generally
68 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from
69 an authorized manufacturer and accompanied by a manufacturer's statement of origin;

70 [(24)] (25) "Land improvement contractors' commercial motor vehicle", any not-for-hire
71 commercial motor vehicle the operation of which is confined to:

72 (a) An area that extends not more than a radius of one hundred miles from its home base
73 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or
74 from projects involving soil and water conservation, or to and from equipment dealers'
75 maintenance facilities for maintenance purposes; or

76 (b) An area that extends not more than a radius of fifty miles from its home base of
77 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from
78 projects not involving soil and water conservation. Nothing in this subdivision shall be
79 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or
80 local commercial motor vehicle;

81 [(25)] (26) "Local commercial motor vehicle", a commercial motor vehicle whose
82 operations are confined solely to a municipality and that area extending not more than fifty miles
83 therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely
84 to the transportation of property owned by any person who is the owner or operator of such
85 vehicle to or from a farm owned by such person or under the person's control by virtue of a

86 landlord and tenant lease; provided that any such property transported to any such farm is for use
87 in the operation of such farm;

88 [(26)] (27) "Local log truck", a commercial motor vehicle which is registered pursuant
89 to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively
90 in this state, used to transport harvested forest products, operated solely at a forested site and in
91 an area extending not more than a one hundred-mile radius from such site, carries a load with
92 dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when
93 operated on the national system of interstate and defense highways described in Title 23, Section
94 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section
95 304.180, RSMo, does not have more than four axles, and does not pull a trailer which has more
96 than two axles. Harvesting equipment which is used specifically for cutting, felling, trimming,
97 delimiting, debarking, chipping, skidding, loading, unloading, and stacking may be transported
98 on a local log truck. A local log truck may not exceed the limits required by law, however, if the
99 truck does exceed such limits as determined by the inspecting officer, then notwithstanding any
100 other provisions of law to the contrary, such truck shall be subject to the weight limits required
101 by such sections as licensed for eighty thousand pounds;

102 [(27)] (28) "Local log truck tractor", a commercial motor vehicle which is registered
103 under this chapter to operate as a motor vehicle on the public highways of this state, used
104 exclusively in this state, used to transport harvested forest products, operated solely at a forested
105 site and in an area extending not more than a one hundred-mile radius from such site, operates
106 with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a
107 weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when
108 operated on the national system of interstate and defense highways described in Title 23, Section
109 103(e) of the United States Code, such vehicle does not exceed the weight limits contained in
110 section 304.180, RSMo, and does not have more than three axles and does not pull a trailer
111 which has more than two axles. Violations of axle weight limitations shall be subject to the load
112 limit penalty as described for in sections 304.180 to 304.220, RSMo;

113 [(28)] (29) "Local transit bus", a bus whose operations are confined wholly within a
114 municipal corporation, or wholly within a municipal corporation and a commercial zone, as
115 defined in section 390.020, RSMo, adjacent thereto, forming a part of a public transportation
116 system within such municipal corporation and such municipal corporation and adjacent
117 commercial zone;

118 [(29)] (30) "Log truck", a vehicle which is not a local log truck or local log truck tractor
119 and is used exclusively to transport harvested forest products to and from forested sites which
120 is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this
121 state for the transportation of harvested forest products;

122 [(30)] (31) "Major component parts", the rear clip, cowl, frame, body, cab, front-end
123 assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules
124 and regulations or by illustrations;

125 [(31)] (32) "Manufacturer", any person, firm, corporation or association engaged in the
126 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

127 [(32)] (33) "Mobile scrap processor", a business located in Missouri or any other state
128 that comes onto a salvage site and crushes motor vehicles and parts for transportation to a
129 shredder or scrap metal operator for recycling;

130 [(33)] (34) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
131 receives a new, rebuilt or used engine, and which used the number stamped on the original
132 engine as the vehicle identification number;

133 [(34)] (35) "Motor vehicle", any self-propelled vehicle not operated exclusively upon
134 tracks, except farm tractors;

135 [(35)] (36) "Motor vehicle primarily for business use", any vehicle other than a
136 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed
137 for over twelve thousand pounds:

138 (a) Offered for hire or lease; or

139 (b) The owner of which also owns ten or more such motor vehicles;

140 [(36)] (37) "Motorcycle", a motor vehicle operated on two wheels;

141 [(37)] (38) "Motorized bicycle", any two-wheeled or three-wheeled device having an
142 automatic transmission and a motor with a cylinder capacity of not more than fifty cubic
143 centimeters, which produces less than three gross brake horsepower, and is capable of propelling
144 the device at a maximum speed of not more than thirty miles per hour on level ground;

145 [(38)] (39) "Motortricycle", a motor vehicle operated on three wheels, including a
146 motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of
147 a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

148 [(39)] (40) "Municipality", any city, town or village, whether incorporated or not;

149 [(40)] (41) "Nonresident", a resident of a state or country other than the state of Missouri;

150 [(41)] (42) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured
151 in compliance with United States emissions or safety standards;

152 [(42)] (43) "Operator", any person who operates or drives a motor vehicle;

153 [(43)] (44) "Owner", any person, firm, corporation or association, who holds the legal
154 title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale
155 or lease thereof with the right of purchase upon performance of the conditions stated in the
156 agreement and with an immediate right of possession vested in the conditional vendee or lessee,

157 or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee
158 or lessee or mortgagor shall be deemed the owner for the purpose of this law;

159 [(44)] **(45)** "Public garage", a place of business where motor vehicles are housed, stored,
160 repaired, reconstructed or repainted for persons other than the owners or operators of such place
161 of business;

162 [(45)] **(46)** "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
163 rebuilder, but does not include certificated common or contract carriers of persons or property;

164 [(46)] **(47)** "Reconstructed motor vehicle", a vehicle that is altered from its original
165 construction by the addition or substitution of two or more new or used major component parts,
166 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

167 [(47)] **(48)** "Recreational motor vehicle", any motor vehicle designed, constructed or
168 substantially modified so that it may be used and is used for the purposes of temporary housing
169 quarters, including therein sleeping and eating facilities which are either permanently attached
170 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
171 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
172 vehicle if the motor vehicle could otherwise be so registered;

173 [(48)] **(49)** "Rollback or car carrier", any vehicle specifically designed to transport
174 wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected
175 to a wrecker or towing service;

176 [(49)] **(50)** "Saddlemount combination", a combination of vehicles in which a truck or
177 truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame
178 or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front
179 axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a
180 fifth wheel kingpin connection. When two vehicles are towed in this manner the combination
181 is called a "double saddlemount combination". When three vehicles are towed in this manner,
182 the combination is called a "triple saddlemount combination";

183 [(50)] **(51)** "Salvage dealer and dismantler", a business that dismantles used motor
184 vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and
185 accessories;

186 [(51)] **(52)** "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

187 (a) Was damaged during a year that is no more than six years after the manufacturer's
188 model year designation for such vehicle to the extent that the total cost of repairs to rebuild or
189 reconstruct the vehicle to its condition immediately before it was damaged for legal operation
190 on the roads or highways exceeds eighty percent of the fair market value of the vehicle
191 immediately preceding the time it was damaged;

192 (b) By reason of condition or circumstance, has been declared salvage, either by its
193 owner, or by a person, firm, corporation, or other legal entity exercising the right of security
194 interest in it;

195 (c) Has been declared salvage by an insurance company as a result of settlement of a
196 claim;

197 (d) Ownership of which is evidenced by a salvage title; or

198 (e) Is abandoned property which is titled pursuant to section 304.155, RSMo, or section
199 304.157, RSMo, and designated with the words "salvage/abandoned property". The total cost
200 of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing,
201 or reinstalling inflatable safety restraints, tires, sound systems, or damage as a result of hail, or
202 any sales tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of this
203 definition, "fair market value" means the retail value of a motor vehicle as:

204 a. Set forth in a current edition of any nationally recognized compilation of retail values,
205 including automated databases, or from publications commonly used by the automotive and
206 insurance industries to establish the values of motor vehicles;

207 b. Determined pursuant to a market survey of comparable vehicles with regard to
208 condition and equipment; and

209 c. Determined by an insurance company using any other procedure recognized by the
210 insurance industry, including market surveys, that is applied by the company in a uniform
211 manner;

212 [(52)] **(53)** "School bus", any motor vehicle used solely to transport students to or from
213 school or to transport students to or from any place for educational purposes;

214 [(53)] **(54)** "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
215 corporation as an incidental service to transport patrons or customers of the regular business of
216 such person, firm, or corporation to and from the place of business of the person, firm, or
217 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
218 buses or as commercial motor vehicles;

219 [(54)] **(55)** "Special mobile equipment", every self-propelled vehicle not designed or
220 used primarily for the transportation of persons or property and incidentally operated or moved
221 over the highways, including farm equipment, implements of husbandry, road construction or
222 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,
223 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
224 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
225 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
226 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and

227 shall not operate to exclude other such vehicles which are within the general terms of this
228 section;

229 [(55)] (56) "Specially constructed motor vehicle", a motor vehicle which shall not have
230 been originally constructed under a distinctive name, make, model or type by a manufacturer of
231 motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

232 [(56)] (57) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth
233 wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

234 [(57)] (58) "Tandem axle", a group of two or more axles, arranged one behind another,
235 the distance between the extremes of which is more than forty inches and not more than
236 ninety-six inches apart;

237 [(58)] (59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle
238 designed for drawing other vehicles, but not for the carriage of any load when operating
239 independently. When attached to a semitrailer, it supports a part of the weight thereof;

240 [(59)] (60) "Trailer", any vehicle without motive power designed for carrying property
241 or passengers on its own structure and for being drawn by a self-propelled vehicle, except those
242 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
243 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
244 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton
245 trailers as defined in subdivision (8) of this section and shall not include manufactured homes
246 as defined in section 700.010, RSMo;

247 [(60)] (61) "Truck", a motor vehicle designed, used, or maintained for the transportation
248 of property;

249 [(61)] (62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the
250 two trailing units are connected with a B-train assembly which is a rigid frame extension
251 attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point
252 for the second semitrailer and has one less articulation point than the conventional A-dolly
253 connected truck-tractor semitrailer-trailer combination;

254 [(62)] (63) "Truck-trailer boat transporter combination", a boat transporter combination
255 consisting of a straight truck towing a trailer using typically a ball and socket connection with
256 the trailer axle located substantially at the trailer center of gravity rather than the rear of the
257 trailer but so as to maintain a downward force on the trailer tongue;

258 [(63)] (64) "Used parts dealer", a business that buys and sells used motor vehicle parts
259 or accessories, but not including a business that sells only new, remanufactured or rebuilt parts.
260 "Business" does not include isolated sales at a swap meet of less than three days;

261 [(64)] (65) "Utility vehicle", any motorized vehicle manufactured and used exclusively
262 for off-highway use which is sixty-three inches or less in width, with an unladen dry weight of

263 one thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used
264 primarily for landscaping, lawn care, or maintenance purposes;

265 [(65)] **(66)** "Vanpool", any van or other motor vehicle used or maintained by any person,
266 group, firm, corporation, association, city, county or state agency, or any member thereof, for the
267 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
268 and from their place of employment; however, a vanpool shall not be included in the definition
269 of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this
270 section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section
271 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,
272 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for
273 monetary profit other than for use in a ride-sharing arrangement;

274 [(66)] **(67)** "Vehicle", any mechanical device on wheels, designed primarily for use, or
275 used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human
276 power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized
277 wheelchairs operated by handicapped persons;

278 [(67)] **(68)** "Wrecker" or "tow truck", any emergency commercial vehicle equipped,
279 designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from
280 a highway, road, street or highway rights-of-way to a point of storage or repair, including towing
281 a replacement vehicle to replace a disabled or wrecked vehicle;

282 [(68)] **(69)** "Wrecker or towing service", the act of transporting, towing or recovering
283 with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the
284 wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives
285 compensation or other personal gain.

430.082. 1. Every person expending labor, services, skill or material upon any motor
2 vehicle or trailer, as defined in chapter 301, RSMo, vessel, as defined in chapter 306, RSMo,
3 outboard motor or aircraft at a written request of its owner, authorized agent of the owner, or
4 person in lawful possession thereof, or who provides storage for a motor vehicle, trailer,
5 outboard motor or vessel, at the written request of its owner, authorized agent of the owner, or
6 person in lawful possession thereof, or at the written request of a peace officer in lieu of the
7 owner or owner's agent, where such owner or agent is not available to request storage thereof,
8 shall, where the maximum amount to be charged for labor, services, skill or material has been
9 stated as part of the written request or the daily charge for storage has been stated as part of the
10 written request, have a lien upon the chattel beginning upon the date of commencement of the
11 expenditure of labor, services, skill, materials or storage for the actual value of all the
12 expenditure of labor, services, skill, materials or storage until the possession of that chattel is
13 voluntarily relinquished to the owner, authorized agent, or one entitled to possession thereof.

14 The person furnishing labor, services, skill or material may retain the lien after surrendering
15 possession of the aircraft or part or equipment thereof by filing a statement in the office of the
16 county recorder of the county where the owner of the aircraft or part or equipment thereof
17 resides, if known to the claimant, and in the office of the county recorder of the county where
18 the claimant performed the services. Such statement shall be filed within thirty days after
19 surrendering possession of the aircraft or part or equipment thereof and shall state the claimant's
20 name and address, the items on account, the name of the owner and a description of the property,
21 and shall not bind a bona fide purchaser unless the lien has also been filed with the Federal
22 Aviation Administration Aircraft Registry.

23 2. If the chattel is not redeemed within three months of the completion of the requested
24 labor, services, skill or material, the lienholder may apply to the director of revenue for a
25 certificate of ownership or certificate of title.

26 3. If the charges are for storage or the service of towing the motor vehicle, trailer,
27 outboard motor or vessel, and the chattel has not been redeemed three months after the charges
28 for storage commenced, the lienholder shall notify by certified mail, postage prepaid, the owner
29 and any lienholders of record other than the person making the notification, at the person's last
30 known address that application for a lien title will be made unless the owner or lienholder within
31 forty-five days makes satisfactory arrangements with the person holding the chattel for payment
32 of storage or service towing charges, if any, or makes satisfactory arrangements with the
33 lienholder for paying such charges or for continued storage of the chattel if desired. Forty-five
34 days after the notification has been mailed and the chattel is unredeemed, **or the notice has been**
35 **returned marked "not forwardable" or "addressee unknown"**, and no satisfactory
36 arrangement has been made with the lienholder for payment or continued storage, the lienholder
37 may apply to the director of revenue for a certificate of ownership or certificate of title as
38 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 [of] **from** the lienholder **that written notice was provided to all**
43 **owners and lienholders of the applicant's intent to apply for a certificate of ownership and**
44 **that the owner has defaulted on payment of labor, services, skill or material and that payment is**
45 **three months past due, or that owner has defaulted on payment or has failed to make satisfactory**
46 **arrangements for continued storage of the chattel for forty-five days since notification of intent**
47 **to make application for a certificate of ownership or certificate of title. The affidavit shall be**
48 **accompanied by a copy of the forty-five day notice given by certified mail to any owner and**

49 **person holding a valid security interest and a copy of the certified mail receipt indicating**
50 **that the owner and lienholder of record 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 and supporting
56 documents, [the director shall notify by certified mail, postage prepaid, the owner and any
57 lienholders of record, other than the applicant, at their last known address that application has
58 been made for a lien title on the chattel.

59 6. Thirty days after notification of the owner and lienholders,] **and** if no lienholder or
60 the owner has redeemed the chattel or no satisfactory arrangement has been made concerning
61 payment or continuation of storage [and the application has not been withdrawn], and if no
62 owner or lienholder has informed the director that the owner or lienholder demands a hearing
63 [and enforcement of the lien] as provided in **this** section [430.160], the director shall issue, in
64 the same manner as a repossessed title is issued, a certificate of ownership or certificate of title
65 to the applicant which shall clearly be captioned "Lien Title".

66 **6. The owner or lienholder of any motor vehicle or trailer, as defined in chapter**
67 **301, RSMo; vessel, as defined in chapter 306, RSMo; outboard motor; or aircraft within**
68 **ten days of receiving notification under this section may file a petition in the associate**
69 **circuit court in the county where the motor vehicle, trailer, vessel, outboard motor, or**
70 **aircraft is stored to determine if the motor vehicle, trailer, vessel, outboard motor, or**
71 **aircraft was wrongfully taken or withheld from the owner. The petition shall name the**
72 **person expending the labor, services, skill, or material among the defendants. The director**
73 **of revenue shall not be a party to such petition but a copy of the petition shall be served on**
74 **the director of revenue who shall not issue title to such motor vehicle, trailer, vessel,**
75 **outboard motor, or aircraft under this section until the petition is finally decided.**

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

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

✓