

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 1858, Page 1, Section 59.311, Lines 1-10, by deleting all of said section
2 and lines from the bill; and

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4 Further amend said bill, Section 400.9-501, Pages1-2, Lines 1-30, by deleting all of said section and
5 lines from the bill; and

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7 Further amend said bill, Page 6, Section 570.095, Lines 76-77, by removing the phrase "associate
8 circuit court or circuit court as provided in subsection 9 of this section" and insert in lieu thereof the
9 following:

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11 "the receiving entity"; and

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13 Further amend said bill and section, Page 7, Lines 82-86, by deleting all of said lines and inserting
14 in lieu thereof the following:

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16 "1, 2017, impost a system in which the documents that have been submitted to the receiving agency
17 are logged in a ledger, spreadsheet, note, or similar recording method when filings contain any
18 unusual or suspicious verbiage or language or appears fraudulent based on its appearance. The
19 receiving agency shall make available noted documents for review by the."; and

20
21 Further amend said bill, section and page, Lines 95-96, by deleting the phrase "during the
22 provisional filing period"; and

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24 Further amend said bill, section and page, Line 97, by deleting the word "delineated" on said line
25 and inserting in lieu thereof the word "noted"; and

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27 Further amend said bill, section and page, Line 98, by deleting the word "provisional" on said line
28 and inserting in lieu thereof the word "suspicious"; and

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30 Further amend said bill and section, Page 7-8, Lines 102-118, by deleting all of said lines from the
31 bill and inserting in lieu thereof the following:

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33 "7. To petition for a judicial review of a filing that is believed to be fraudulent, false, misleading,
34 forged, or contains materially false information, a petitioner may file a probable cause statement
35 which delineates the cause to believe that the filing is materially false, contains materially false
36 information, is a forgery, is fraudulent, or is misleading. This probable cause statement shall be filed

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 in the associate or circuit court of the county in which the original filing was transferred, received,
2 or recorded. A copy of the probable cause statement shall be provided to the receiving agency by
3 the petitioner on the same business day in which the petition was filed."; and
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5 Further amend said bill section by renumbering subsections accordingly; and
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7 Further amend said bill and section, Page 8, Lines 121-125, deleting all of said lines and inserting in
8 lieu thereof the following:
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10 "noted filing. The receiving agency shall notify the person who made the filing via United States
11 mail that a probable cause statement has been entered challenging the validity of the filing. If a
12 filing is deemed invalid, court costs and fees"; and
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14 Further amend said bill, section and page, Lines 128-131, by deleting all of said lines and inserting
15 in lieu thereof the following:
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17 "9. A filed petition under this statute must have an initial hearing date within twenty business days
18 of the petition being filed with the court. A court ruling of "invalid" shall be evidence that the
19 original filing was not accurate , true or correct. A court ruling of "invalid" shall be retained or
20 recorded, with not costs to the petitioner, at the original receiving entity. This ruling may be
21 forwarded to credit bureaus or other institutions at the request of the petitioner via motion to the
22 applicable court at no additional cost to the petitioner."; and
23

24 Further amend said bill by amending the title, enacting clause, and intersectional references
25 accordingly.
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