

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2289

101ST GENERAL ASSEMBLY

3727H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 8.250, 415.415, 493.050, and 493.070, RSMo, and to enact in lieu thereof four new sections relating to requirements for public notices.

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

Section A. Sections 8.250, 415.415, 493.050, and 493.070, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 8.250, 415.415, 493.050,
3 and 493.070, to read as follows:

8.250. 1. "Project" for the purposes of this chapter means the labor or material
2 necessary for the construction, renovation, or repair of improvements to real property so that
3 the work, when complete, shall be ready for service for its intended purpose and shall require
4 no other work to be a completed system or component.

5 2. All contracts for projects, the cost of which exceeds twenty-five thousand dollars,
6 entered into by any city containing five hundred thousand inhabitants or more shall be let to
7 the lowest, responsive, responsible bidder or bidders after notice and publication of an
8 advertisement for five days in a daily newspaper in the county where the work is located, or at
9 least twice over a period of ten days or more in a newspaper in the county where the work is
10 located, and in two daily newspapers in the state which do not have less than fifty thousand
11 daily circulation, and by such other means as are determined to be most likely to reach
12 potential bidders **or by posting an invitation for bid on the website of the city or through**
13 **an electronic procurement system.**

14 3. All contracts for projects, the cost of which exceeds one hundred thousand dollars,
15 entered into by an officer or agency of this state shall be let to the lowest, responsive,
16 responsible bidder or bidders based on preestablished criteria after notice and publication of

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 an advertisement for five days in a daily newspaper in the county where the work is located,
18 or at least twice over a period of ten days or more in a newspaper in the county where the
19 work is located and in one daily newspaper in the state which does not have less than fifty
20 thousand daily circulation and by such other means as determined to be most likely to reach
21 potential bidders **or by posting an invitation for bid on the website of the officer or agency**
22 **or through an electronic procurement system.** For all contracts for projects between
23 twenty-five thousand dollars and one hundred thousand dollars, a minimum of three
24 contractors shall be solicited with the award being made to the lowest responsive, responsible
25 bidder based on preestablished criteria.

26 4. The number of such public bids shall not be restricted or curtailed, but shall be
27 open to all persons complying with the terms upon which the bids are requested or solicited
28 unless debarred for cause. No contract shall be awarded when the amount appropriated for
29 same is not sufficient to complete the work ready for service.

30 5. Dividing a project into component labor or material allocations for the purpose of
31 avoiding bidding or advertising provisions required by this section is specifically prohibited.

415.415. 1. The operator of a self-service storage facility has a lien on all personal
2 property stored within each leased space for rent, labor, or other charges, and for expenses
3 reasonably incurred in sale of such personal property, as provided in sections 415.400 to
4 415.425. The lien established by this subsection shall have priority over all other liens except
5 those liens that have been perfected and recorded on personal property. The rental agreement
6 shall contain a statement, in bold type, advising the occupant of the existence of such lien and
7 that property stored in the leased space may be sold to satisfy such lien if the occupant is in
8 default, and that any proceeds from the sale of the property which remain after satisfaction of
9 the lien will be paid to the state treasurer if unclaimed by the occupant within one year after
10 the sale of the property.

11 2. If the occupant is in default for a period of more than forty-five days, the operator
12 may enforce the lien granted in subsection 1 of this section and sell the property stored in the
13 leased space for cash. Sale of the property stored on the premises may be done at a public or
14 private sale, may be done as a unit or in parcels, or may be by way of one or more contracts,
15 and may be at any time or place and on any terms as long as the sale is done in a
16 commercially reasonable manner in accordance with the provisions of section 400.9-627.
17 The operator may otherwise dispose of any property which has no commercial value.

18 3. The proceeds of any sale made under this subsection shall be applied to satisfy the
19 lien, with any surplus being held for delivery on demand to the occupant or any other
20 lienholders which the operator knows of or which are contained in the statement filed by the
21 occupant pursuant to subsection 3 of section 415.410 for a period of one year after receipt of
22 proceeds of the sale and satisfaction of the lien. No proceeds shall be paid to an occupant

23 until such occupant files a sworn affidavit with the operator stating that there are no other
24 valid liens outstanding against the property sold and that he or she, the occupant, shall
25 indemnify the operator for any damages incurred or moneys paid by the operator due to
26 claims arising from other lienholders of the property sold. After the one-year period set in
27 this subsection, any proceeds remaining after satisfaction of the lien shall be considered
28 abandoned property to be reported and paid to the state treasurer in accordance with laws
29 pertaining to the disposition of unclaimed property.

30 4. Before conducting a sale under subsection 2 of this section, the operator shall:

31 (1) At least forty-five days before any disposition of property under this section,
32 which shall run concurrently with subsection 2 of this section, notify the occupant and each
33 lienholder which is contained in any statement filed by the occupant pursuant to subsection 3
34 of section 415.410 of the default by first-class mail or electronic mail at the occupant's or
35 lienholder's last known address, and shall notify any third-party owner identified by the
36 occupant pursuant to subsection 3 of section 415.410;

37 (2) No sooner than ten days after mailing the notice required in subdivision (1) of this
38 subsection, mail a second notice of default, by verified mail or electronic mail, to the
39 occupant at the occupant's or lienholder's last known address, which notice shall include:

40 (a) A statement that the contents of the occupant's leased space are subject to the
41 operator's lien;

42 (b) A statement of the operator's claim, indicating the charges due on the date of the
43 notice, the amount of any additional charges which shall become due before the date of
44 release for sale and the date those additional charges shall become due;

45 (c) A demand for payment of the charges due within a specified time, not less than ten
46 days after the date on which the second notice was mailed;

47 (d) A statement that unless the claim is paid within the time stated, the contents of the
48 occupant's space will be sold after a specified time; and

49 (e) The name, street address and telephone number of the operator, or a designated
50 agent whom the occupant may contact, to respond to the notice;

51 (3) At least seven days before the sale, advertise the time, place, and terms of the sale
52 **in the classified section of** a newspaper of general circulation in the jurisdiction where the
53 sale is to be held **or in any other commercially reasonable manner.** ~~[Such]~~ **The manner of**
54 advertisement shall be ~~[in the classified section of the newspaper and shall state that the items~~
55 ~~will be released for sale]~~ **deemed commercially reasonable if at least three independent**
56 **bidders attend or view the sale at the time and place advertised.**

57 5. If the property is a vehicle, watercraft, or trailer and rent and other charges remain
58 unpaid for sixty days, the owner may treat the vehicle, watercraft, or trailer as an abandoned
59 vehicle and have the vehicle, watercraft, or trailer towed from the self-service storage facility.

60 When the vehicle, watercraft, or trailer is towed from the self-service storage facility, the
61 owner shall not be liable for the vehicle, watercraft, or trailer for any damages to the motor
62 vehicle, watercraft, or trailer once the tower takes possession of the property.

63 6. At any time before a sale under this section, the occupant may pay the amount
64 necessary to satisfy the lien and redeem the occupant's personal property.

493.050. All public advertisements and orders of publication required by law to be
2 made and all legal publications affecting the title to real estate shall be published in some
3 daily, triweekly, semiweekly or weekly newspaper of general circulation in the county where
4 located, and ~~[which]~~ **such a newspaper** shall have:

5 (1) Been admitted to the post office as periodicals class matter in the city of
6 publication; ~~[shall have]~~

7 (2) Been **either**:

8 (a) Published regularly and consecutively for a period of ~~[three years]~~ **one year**,
9 except that a newspaper of general circulation may be deemed to be the successor to a defunct
10 newspaper of general circulation, and subject to all of the rights and privileges of said prior
11 newspaper under this statute, if the successor newspaper shall begin publication no later than
12 ~~[thirty]~~ **ninety** consecutive days after the termination of publication of the prior newspaper;
13 ~~[shall have]~~ or

14 (b) **Purchased or newly established by a newspaper that satisfies the**
15 **requirements of paragraph (a) of this subdivision; and**

16 (3) A list of bona fide subscribers voluntarily engaged as such, who have paid or
17 agreed to pay a stated price for a subscription for a definite period of time~~;~~ ~~provided, that~~
18 ~~when~~.

19

20 **If** a public notice, required by law to be published once a week for a given number of weeks,
21 ~~[shall]~~ **is to** be published in a daily, triweekly, semiweekly or weekly newspaper, the notice
22 shall appear once a week, on the same day of each week~~;~~ ~~and further provided, that~~. Every
23 affidavit to proof of publication shall state that the newspaper in which such notice was
24 published has complied with the provisions of this section~~;~~ ~~provided further, that~~. The
25 duration of consecutive publication provided for in this section shall not affect newspapers
26 which have become legal publications prior to September 6, 1937~~;~~ ~~provided, however, that~~
27 ~~when~~. **If** any newspaper shall be forced to suspend publication in any time of war, due to the
28 owner or publisher being inducted into the Armed Forces of the United States, the newspaper
29 may be reinstated within one year after actual hostilities have ceased, with all the benefits
30 provided pursuant to the provisions of this section, upon the filing with the secretary of state
31 of notice of intention of such owner or publisher, the owner's surviving spouse or legal heirs,
32 to republish such newspaper, setting forth the name of the publication, its volume and

33 number, its frequency of publication, and its readmission to the post office where it was
34 previously entered as periodicals class mail matter, and ~~when~~ if it ~~shall have~~ **has** a list of
35 bona fide subscribers voluntarily engaged as such who have paid or agreed to pay a stated
36 price for subscription for a definite period of time. All laws or parts of laws in conflict with
37 this section except sections 493.070 to 493.120, are hereby repealed.

493.070. In all cities of this state which now have, or shall hereafter have, a
2 population of one hundred thousand inhabitants or more, all public notices and
3 advertisements, directed by any court~~;~~ or required by law to be published in a newspaper,
4 shall be published in some daily newspaper of such city, of general circulation therein, which
5 shall have been established and continuously published as such for a period of at least ~~three~~
6 ~~consecutive years~~ **one year** next prior to the publication of any such notice.

✓