

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 581, Page 1, Section 512.180, Line 5, by
2 deleting "or 535" and inserting in lieu thereof ", 534, or 535"; and
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4 Further amend said bill, page, and section, Line 12, by inserting after all of said section and line the
5 following:
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7 "534.060. Forcible entries and detainers, and unlawful detainers, may be heard and
8 determined by any associate circuit judge of the county in which they are committed. Neither the
9 provisions of this section or any other section in this chapter shall preclude adoption of a local
10 circuit court rule providing for the centralized filing of such cases, nor the assignment of such cases
11 to particular associate circuit or circuit judges pursuant to local circuit court rule or action by the
12 presiding judge of the circuit. Such cases shall be heard and determined by associate circuit judges
13 unless a circuit judge is transferred or assigned to hear such case or cases or unless the plaintiff
14 pursuant to subsection 2 of section 478.250 has designated the case as one to be heard under the
15 practice and procedure applicable before circuit judges and the case is heard by a circuit judge. If
16 the case is heard before an associate circuit judge who has not been specially assigned to hear the
17 case on the record[. ~~All cases under this chapter shall be heard on the record. Unless the plaintiff~~
18 ~~under subsection 2 of section 478.250 has designated the case as one to be heard under the practice~~
19 ~~and procedure applicable before circuit judges,~~] to the extent practice and procedure are not
20 provided in this chapter the practice and procedure provided in chapter 517 shall apply. If the case
21 is heard initially before an associate circuit judge who has been specially assigned to hear the case
22 on a record or before a circuit judge, the case shall be heard and determined under the same practice
23 and procedure as would apply if the case was being heard upon an application for trial de novo, and
24 in such instances, notwithstanding the specific references to chapter 517 in this chapter, [plaintiff
25 ~~under subsection 2 of section 478.250 has designated the case as one to be heard under the practice~~
26 ~~and procedure applicable before circuit judges, the case shall be heard and determined under]~~ the
27 [rules of] practice and procedure provided in the Missouri Rules of Civil Procedure and the extant
28 provisions of The Civil Code of Missouri shall apply instead of those contained in chapter 517[;
29 notwithstanding the specific references to chapter 517 in this chapter].

30 534.350. The judge rendering judgment in any such cause may issue execution at any time
31 after judgment, but such execution shall not be levied until after the expiration of the time allowed
32 for the filing of an application for trial de novo or the taking of an appeal, except execution for the
33 purpose of restoring possession shall be issued no sooner than ten days after the judgment.
34 However, the execution for purposes of restoring possession shall be stayed pending an appeal if the
35 losing party posts an appeal bond.

36 534.380. Applications for trials de novo and appeals shall be allowed and conducted in the

Action Taken _____ Date _____

manner provided [~~as in other civil cases~~] in chapter 512. Application for a trial de novo or appeal shall not stay execution for restitution of the premises unless the defendant gives bond within the time for appeal. The bond shall be for the amount of the judgment and with the condition to stay waste and to pay all subsequently accruing rent, if any, into court within ten days after it becomes due, pending determination of the trial de novo or appeal, subject to the judge's discretion. However, in any case in which the defendant receives a reduction in rent due to a local, state or federal subsidy program, the amount of the bond shall be reduced by the amount of said subsidy. Execution other than for restitution shall be stayed if the defendant files a bond in the proper amount at such time as otherwise provided by law."; and

Further amend said bill, Page 6, Section 535.300, Lines 3-14, by deleting all of said lines and inserting in lieu thereof the following:

"2. All security deposits shall be held by the landlord for the tenant, who is a party to the rental agreement, in a bank, credit union, or depository institution which is insured by an agency of the federal government. Security deposits shall not be commingled with other funds of the landlord. All security deposits shall be held in a trust account established [~~by the landlord and deposited in a bank, credit union, or depository institution account~~] in the name of the landlord as the trustee. All security deposits held by a landlord may be combined in one or more pooled trust accounts. Any interest earned on a security deposit shall be the property of the landlord. Allowable reasonable fees may be deducted from interest or dividends earned on such trust accounts but no fees or charges may be assessed against or deducted from the principal of any such trust account. A landlord licensed under and subject to the requirements of chapter 339, in lieu of complying with this subsection, shall maintain all tenant security deposits in a bank, credit union, financial or depository institution account, and shall not commingle such security deposits with other funds of the landlord except as provided in section 339.105. A housing authority created under section 99.040 or any other government entity acting as a landlord shall not be subject to this subsection.

3. Within thirty days after the date of termination of the tenancy, the landlord shall:"; and

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