



THE MISSOURI BAR

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DATE: February 5, 2009
TO: Representative Bryan Stevenson
FROM: The Missouri Bar
RE: House Bill 181

Recently, The Missouri Bar Executive Committee met to review legislation. The Executive Committee consists of the officers of the bar and three additional members annually elected by the Board of Governors. The members of this year's committee are Thomas M. Burke, President; H.A. "Skip" Walther, President-Elect; John S. Johnston, Vice-President; Charlie J. Harris, Jr., Immediate Past-President; Carol Chazen Friedman; Patrick B. Starke; and Deanna K. Scott. The committee has authority to act on behalf of the Board of Governors during the legislative session. In reviewing legislation, the Executive Committee considers comments received from various Missouri Bar legislative review subcommittees. All positions taken by the Executive Committee are communicated to the full Board as soon as possible after they are taken.

The Executive Committee reviewed House Bill 181 with comments received from bar members. The following positions were taken regarding this legislation:

- Section 71.515, creating a cause of action by cities against tenants for sums owed for utility services, was found to be outside of the bar's legislative scope.
- Section 393.107, relating to liability of premises owners for delinquent payment of utilities, was found to be within the bar's legislative scope. The Executive Committee took no position on this portion of the bill.
- Changes to Section 441.065 eliminating the current requirement that mail notice be provided to a tenant before the premises is considered abandoned, were found to be within the bar's legislative scope. Repeal of current notice requirements would remove important safeguards which require landlords to responsibly manage rental property.

Following are among the comments received:

"[Changes to Section 441.065] would reverse over fifty years of law, unduly favors landlords and would allow meaningless postings at vacated premises to pass as legally sufficient notice by eliminating the modicum of mailing a notice." Bernard Garner

" The current burden of service is small compared to the importance of such service." Jeremiah Kidwell

Because of these concerns The Missouri Bar **opposes** the changes proposed to Section 441.065.