EXHIBIT #8
DATE 2/19/2013
HB 368

Amendments to House Bill No. 368
1st Reading Copy

Requested by Representative Christy Clark

For the House Local Government Committee

Prepared by K.V. ("Ginger") Aldrich
February 16, 2013 (10:15am)

1. Page 1, line 12.
Following: "(1)"
Insert: "(a)"

2. Page 1, line 13.
Strike: "reasonably believes"
Insert: "has clear and convincing evidence"

3. Page 1, line 15.
Strike: "24"
Insert: "48"
Strike: "the occurrence of events upon which"
Strike: "formed that belief"
Insert: "obtained that evidence"

4. Page 1, line 16.
Following: "~~premises~~"
Insert: "immediately remove the abandoned property from the premises and"

5. Page 1, line 16 through line 17.
Strike: "the landlord reasonably believes"
Insert: "that"

6. Page 1, lines 17 and 18.
Strike: "and abandoned" on line 17
Strike: "Any" on line 17 through "abandoned." on line 18

7. Page 1, line 19.
Following: line 18
Insert: "(b) An item that is clearly labeled "rent to own" or "leased" or likewise identified may be discarded only with confirmation from the lessor that the item does not have a lien, provided that the lessor can be easily identified from the label and the landlord makes a reasonable effort to contact the lessor.

(c) For the purposes of this subsection (1), the following definitions apply:

(i) "Hazardous" means any item that is potentially or actually flammable, a biohazard, or an item otherwise capable of

inflicting personal harm or injury.

(ii) "Perishable" means any item requiring refrigeration or any food item with a marked expiration date.

(iii) "Valueless" means any item that has an insubstantial resale value but does not include personal photos, jewelry, or other small items that are irreplaceable."

8. Page 2, line 1.
Strike: "7"
Insert: "10"

9. Page 2, line 25.
Following: line 24
Insert: "(9) The landlord shall ensure that the terms of this section are included in plain and understandable language as a notification in any lease or rental agreement at the time of the agreement or when the tenant occupies the property. The landlord shall provide the same notification upon termination of the lease or rental agreement."

- END -

Explanation -

This amendment changes the standard of care for the landlord to dispose personal property from "reasonable belie[f]" to "clear and convincing evidence.

If the landlord has clear and convincing evidence that the tenant has abandoned all personal property and 48 hours have passed:

1) Allows a landlord to immediately dispose of trash or hazardous, perishable, or valueless personal property.
2) Allows the landlord to dispose of the property 10 days after mailing a notice to the tenant.

The amendment eliminates the requirement that personal property remaining on the premises 24 hours after the termination of the rental agreement can be presumed to be valueless (and therefore disposed of based solely on the presence of the property on the premises after the agreement ends).

The amendment changes the amount of time that must pass after the landlord receives evidence that the tenant has abandoned property before acting (5 days in the current statute, 24 hours in the bill) to 48 hours.

The amendment clarifies some definitions used in its text.

The amendment also requires a notification to be provided to the tenant at the beginning and end of the lease or rental agreement

regarding this statute and the procedures a landlord may use to dispose of tenant property.