

# SENATE AMENDMENT NO. 1

Offered by Koenig of 15

<sup>53</sup>  
Amend SCS/Senate Bill No. 4, Page 1, Section title, Line 3,

2 by striking "motor vehicle financial responsibility" and  
3 inserting in lieu thereof the following: "transportation";  
4 and

5 Further amend said bill and page, Section A, Line 4, by  
6 inserting after all of said line the following:

7 "301.558. 1. A motor vehicle dealer, boat dealer, or  
8 powersport dealer may fill in the blanks on standardized  
9 forms in connection with the sale or lease of a new or used  
10 motor vehicle, vessel, or vessel trailer if the motor  
11 vehicle dealer, boat dealer, or powersport dealer does not  
12 charge for the services of filling in the blanks or  
13 otherwise charge for preparing documents.

14 2. A motor vehicle dealer, boat dealer, or powersport  
15 dealer may charge an administrative fee in connection with  
16 the sale or lease of a new or used motor vehicle, vessel, or  
17 vessel trailer for the storage of documents or any other  
18 administrative or clerical services not prohibited by this  
19 section. A portion of the administrative fee may result in  
20 profit to the motor vehicle dealer, boat dealer, or  
21 powersport dealer.

22 3. No motor vehicle dealer, boat dealer, or powersport  
23 dealer that sells or leases new or used motor vehicles,  
24 vessels, or vessel trailers and imposes an administrative  
25 fee of [less than two] five hundred dollars or less in  
26 connection with the sale or lease of a new or used vehicle,

*Offered 3/10/21*  
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27 vessel, or vessel trailer for the storage of documents or  
28 any other administrative or clerical services shall be  
29 deemed to be engaging in the unauthorized practice of law.  
30 The maximum administrative fee permitted under this  
31 subsection shall be increased annually by an amount equal to  
32 the percentage change in the annual average of the Consumer  
33 Price Index for All Urban Consumers or its successor index,  
34 as reported by the federal Bureau of Labor Statistics or its  
35 successor agency, or by zero, whichever is greater. The  
36 director of the department of revenue shall annually furnish  
37 the maximum administrative fee determined under this section  
38 to the secretary of state, who shall publish such value in  
39 the Missouri register as soon as practicable after January  
40 fourteenth of each year.

41 4. If an administrative fee is charged under this  
42 section, the same administrative fee shall be charged to all  
43 retail customers [and] unless the fee is limited by the  
44 dealer's franchise agreement to certain classes of  
45 customers. The fee shall be disclosed on the retail buyer's  
46 order form as a separate itemized charge.

47 5. A preliminary worksheet on which a sale price is  
48 computed and that is shown to the purchaser, a retail  
49 buyer's order form from the purchaser, or a retail  
50 installment contract shall include, in reasonable proximity  
51 to the place on the document where the administrative fee  
52 authorized by this section is disclosed, the amount of the  
53 administrative fee and the following notice in type that is  
54 boldfaced, capitalized, underlined, or otherwise  
55 conspicuously set out from the surrounding written material:

56 "AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE  
57 AND IS NOT REQUIRED BY LAW BUT MAY BE CHARGED BY  
58 A DEALER. THIS ADMINISTRATIVE FEE MAY RESULT IN  
59 A PROFIT TO DEALER. NO PORTION OF THIS

60 ADMINISTRATIVE FEE IS FOR THE DRAFTING,  
61 PREPARATION, OR COMPLETION OF DOCUMENTS OR THE  
62 PROVIDING OF LEGAL ADVICE. THIS NOTICE IS  
63 REQUIRED BY LAW."

64 6. The general assembly believes that an  
65 administrative fee charged in compliance with this section  
66 is not the unauthorized practice of law or the unauthorized  
67 business of law so long as the activity or service for which  
68 the fee is charged is in compliance with the provisions of  
69 this section and does not result in the waiver of any rights  
70 or remedies. Recognizing, however, that the judiciary is  
71 the sole arbitrator of what constitutes the practice of law,  
72 in the event that a court determines that an administrative  
73 fee charged in compliance with this section, and that does  
74 not waive any rights or remedies of the buyer, is the  
75 unauthorized practice of law or the unauthorized business of  
76 law, then no person who paid that administrative fee may  
77 recover said fee or treble damages, as permitted under  
78 section 484.020, and no person who charged that fee shall be  
79 guilty of a misdemeanor, as provided under section  
80 484.020."; and

81 Further amend the title and enacting clause accordingly.