

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 366

102ND GENERAL ASSEMBLY

1490S.04C

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to department of revenue fee offices.

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

Section A. Section 136.055, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 136.055,
3 to read as follows:

136.055. 1. Any person who is selected or appointed
2 by the state director of revenue as provided in subsection 2
3 of this section to act as an agent of the department of
4 revenue, whose duties shall be the processing of motor
5 vehicle title and registration transactions and the
6 collection of sales and use taxes when required under
7 sections 144.070 and 144.440, and who receives no salary
8 from the department of revenue, shall be authorized to
9 collect from the party requiring such services additional
10 fees as compensation in full and for all services rendered
11 on the following basis:

12 (1) For each motor vehicle or trailer registration
13 issued, renewed or transferred, **[six] nine** dollars and
14 **[twelve] eighteen** dollars for those licenses sold or
15 biennially renewed pursuant to section 301.147;

16 (2) For each application or transfer of title, **[six]**
17 **nine** dollars;

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

(3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's license issued for a period of three years or less, ~~[six]~~ **nine** dollars and ~~[twelve]~~ **eighteen** dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien processed, ~~[six]~~ **nine** dollars;

(5) Notary fee or electronic transmission per processing, two dollars.

2. The director of revenue shall award fee office contracts under this section through a competitive bidding process. The competitive bidding process shall give priority to organizations and entities that are exempt from taxation under Section 501(c)(3), 501(c)(6), or 501(c)(4), except those civic organizations that would be considered action organizations under 26 C.F.R. Section 1.501 (c)(3)-1(c)(3), of the Internal Revenue Code of 1986, as amended, with special consideration given to those organizations and entities that reinvest a minimum of seventy-five percent of the net proceeds to charitable organizations in Missouri, and political subdivisions, including but not limited to, municipalities, counties, and fire protection districts.

Notwithstanding any law to the contrary, the director of revenue shall not award any fee office contract under this section to any entity affiliated in any manner with a current employee of the department of revenue or with a former employee of the department of revenue for the two-year period following the former employee's termination of employment with the department. For purposes of this subsection, "affiliated in any manner" includes owning the entity that is applying for a fee office contract, or serving as an officer or board member of such entity. The

50 director of the department of revenue may promulgate rules
51 and regulations necessary to carry out the provisions of
52 this subsection. Any rule or portion of a rule, as that
53 term is defined in section 536.010, that is created under
54 the authority delegated in this subsection shall become
55 effective only if it complies with and is subject to all of
56 the provisions of chapter 536 and, if applicable, section
57 536.028. This section and chapter 536 are nonseverable and
58 if any of the powers vested with the general assembly
59 pursuant to chapter 536 to review, to delay the effective
60 date, or to disapprove and annul a rule are subsequently
61 held unconstitutional, then the grant of rulemaking
62 authority and any rule proposed or adopted after August 28,
63 2009, shall be invalid and void.

64 **3. Except as otherwise provided in subsection 8 of**
65 **this section, all fees authorized under this section**
66 **collected by a [tax-exempt organization] contract fee office**
67 **may be retained and used by the [organization] entity**
68 **operating the contract fee office, and all fees authorized**
69 **under this section collected by a fee office operated by the**
70 **department of revenue shall be considered state revenue.**

71 4. All fees charged shall not exceed those in this
72 section. The fees [imposed by] **authorized under** this
73 section [shall] **may** be collected by all [permanent] **contract**
74 **fee** offices and **shall be collected by** all full-time or
75 temporary offices [maintained] **operated** by the department of
76 revenue.

77 5. Any person acting as agent of the department of
78 revenue for the sale and issuance of registrations,
79 licenses, and other documents related to motor vehicles
80 shall have an insurable interest in all license plates,

81 licenses, tabs, forms and other documents held on behalf of
82 the department.

83 6. The fees authorized by this section shall not be
84 collected by motor vehicle dealers acting as agents of the
85 department of revenue under section 32.095 or those motor
86 vehicle dealers authorized to collect and remit sales tax
87 under subsection 10 of section 144.070.

88 7. Notwithstanding any other provision of law to the
89 contrary, the state auditor may audit all records maintained
90 and established by the fee office in the same manner as the
91 auditor may audit any agency of the state, and the
92 department shall ensure that this audit requirement is a
93 necessary condition for the award of all fee office
94 contracts. No confidential records shall be divulged in
95 such a way to reveal personally identifiable information.

96 8. **Notwithstanding any other provision of law to the**
97 **contrary, one dollar of any fee authorized and charged under**
98 **subdivision (1), (2), (3), or (4) of subsection 1 of this**
99 **section by a fee office not operated by the department of**
100 **revenue shall be remitted to the license office distribution**
101 **fund established under subsection 9 of this section. Money**
102 **remitted to the license office distribution fund under this**
103 **subsection shall be held in trust for the entities awarded**
104 **fee contracts under this section, and shall not be**
105 **considered state revenue. In the event a court of competent**
106 **jurisdiction issues a final judgment specifying that money**
107 **remitted under this subsection is subject to Article IV,**
108 **Section 30(b) of the Missouri Constitution, the provisions**
109 **of this subsection shall be null and void.**

110 9. (1) **There is hereby created in the state treasury**
111 **the "License Office Distribution Fund", which shall consist**
112 **of moneys collected as provided under subsection 8 of this**

113 section. The state treasurer shall be custodian of the
114 fund. In accordance with sections 30.170 and 30.180, the
115 state treasurer may approve disbursements. The fund shall
116 be a dedicated fund and shall be used solely for the
117 purposes specified in this subsection.

118 (2) Notwithstanding the provisions of section 33.080
119 to the contrary, any moneys remaining in the fund at the end
120 of the biennium shall not revert to the credit of the
121 general revenue fund.

122 (3) The state treasurer shall invest moneys in the
123 fund in the same manner as other funds are invested. Any
124 interest and moneys earned on such investments shall be
125 credited to the fund.

126 (4) Beginning after December 31, 2024, but no later
127 than February 15, 2025, quarterly disbursements shall be
128 made from the fund to the fee offices awarded contracts
129 under this section. Except as otherwise specified in
130 subdivision (5) of this subsection, the disbursement to each
131 fee office shall be equal. The total funds disbursed
132 following each quarter shall be equal to the amount of funds
133 received by the fund under subsection 8 of this section
134 during the quarter.

135 (5) Quarterly disbursements under this subsection
136 shall be distributed to the entity holding each fee office
137 contract when the quarterly disbursement occurs, provided
138 that in the case that a contract fee office transitions
139 between two contractors during the quarter, the disbursement
140 for that fee office shall be divided between the contractors
141 in proportion to the number of transactions the office
142 processed under each contractor during the quarter for which
143 the transfer is taking place.

144 (6) Quarterly disbursements under this subsection
145 shall be made as follows:

146 (a) Disbursements for transactions occurring from
147 January first to March thirty-first shall occur no later
148 than May fifteenth of each year.

149 (b) Disbursements for transactions occurring from
150 April first to June thirtieth shall occur no later than
151 August fifteenth of each year.

152 (c) Disbursements for transactions occurring from July
153 first to September thirtieth shall occur no later than
154 November fifteenth of each year.

155 (d) Disbursements for transactions occurring from
156 October first to December thirty-first shall occur no later
157 than February fifteenth of the following calendar year each
158 year.

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