

FIRST REGULAR SESSION

SENATE BILL NO. 366

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

1490S.01I

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Section A. Section 136.055, RSMo, is repealed and one new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. All fees collected by a tax-exempt organization may
65 be retained and used by the organization.

66 4. All fees charged shall not exceed those in this
67 section. The fees imposed by this section shall be
68 collected by all permanent offices and all full-time or
69 temporary offices maintained by the department of revenue.

70 5. Any person acting as agent of the department of
71 revenue for the sale and issuance of registrations,
72 licenses, and other documents related to motor vehicles
73 shall have an insurable interest in all license plates,
74 licenses, tabs, forms and other documents held on behalf of
75 the department.

76 6. The fees authorized by this section shall not be
77 collected by motor vehicle dealers acting as agents of the
78 department of revenue under section 32.095 or those motor
79 vehicle dealers authorized to collect and remit sales tax
80 under subsection 10 of section 144.070.

81 7. Notwithstanding any other provision of law to the
82 contrary, the state auditor may audit all records maintained
83 and established by the fee office in the same manner as the
84 auditor may audit any agency of the state, and the
85 department shall ensure that this audit requirement is a
86 necessary condition for the award of all fee office
87 contracts. No confidential records shall be divulged in
88 such a way to reveal personally identifiable information.

89 8. Notwithstanding any other provision of law to the
90 contrary, one dollar of any fee authorized and charged under
91 subdivision (1), (2), (3), or (4) of subsection 1 of this
92 section shall be remitted to the license office distribution
93 fund established under subsection 9 of this section.

94 9. (1) There is hereby created in the state treasury
95 the "License Office Distribution Fund", which shall consist
96 of moneys collected as provided under subsection 8 of this
97 section. The state treasurer shall be custodian of the
98 fund. In accordance with sections 30.170 and 30.180, the
99 state treasurer may approve disbursements. The fund shall
100 be a dedicated fund and, upon appropriation, moneys in this
101 fund shall be distributed equally among fee offices awarded
102 contracts under this section in four quarterly disbursements
103 each year.

104 (2) Notwithstanding the provisions of section 33.080
105 to the contrary, any moneys remaining in the fund at the end
106 of the biennium shall not revert to the credit of the
107 general revenue fund.

108 (3) The state treasurer shall invest moneys in the
109 fund in the same manner as other funds are invested. Any
110 interest and moneys earned on such investments shall be
111 credited to the fund.

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