

SENATE BILL NO. 499

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

1489S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 301.558, RSMo, and to enact in lieu thereof one new section relating to the motor vehicle administrative technology fund, with existing penalty provisions.

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

Section A. Section 301.558, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 301.558,
3 to read as follows:

301.558. 1. A motor vehicle dealer, boat dealer, or
2 powersport dealer may fill in the blanks on standardized
3 forms in connection with the sale or lease of a new or used
4 motor vehicle, vessel, or vessel trailer if the motor
5 vehicle dealer, boat dealer, or powersport dealer does not
6 charge for the services of filling in the blanks or
7 otherwise charge for preparing documents.

8 2. A motor vehicle dealer, boat dealer, or powersport
9 dealer may charge an administrative fee in connection with
10 the sale or lease of a new or used motor vehicle, vessel, or
11 vessel trailer for the storage of documents or any other
12 administrative or clerical services not prohibited by this
13 section. A portion of the administrative fee may result in
14 profit to the motor vehicle dealer, boat dealer, or
15 powersport dealer.

16 3. (1) [Ten percent of any fee authorized under this
17 section and charged by motor vehicle dealers shall be
18 remitted to the motor vehicle administration technology fund

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

19 established in this subsection, for the development of the
20 system specified in this subsection. Following the
21 development of the system specified in this subsection, the
22 director of the department of revenue shall notify motor
23 vehicle dealers and implement the system, and the percentage
24 of any fee authorized under this section required to be
25 remitted to the fund shall be reduced to one percent, which
26 shall be used for maintenance of the system. This
27 subsection shall expire on January 1, 2037.

28 **(2)]** There is hereby created in the state treasury the
29 "Motor Vehicle Administration Technology Fund", which shall
30 consist of money [**collected as specified in this subsection]**
31 **appropriated to it by the general assembly. The fund may**
32 **also receive any gifts, contributions, grants, or bequests**
33 **received from federal, private, or other sources.** The state
34 treasurer shall be custodian of the fund. In accordance
35 with sections 30.170 and 30.180, the state treasurer may
36 approve disbursements. The fund shall be a dedicated fund
37 and money in the fund shall be used solely by the department
38 of revenue for the purpose of development and maintenance of
39 a modernized, integrated system for the titling of vehicles,
40 issuance and renewal of vehicle registrations, issuance and
41 renewal of driver's licenses and identification cards, and
42 perfection and release of liens and encumbrances on vehicles.

43 **[(3)] (2)** Notwithstanding the provisions of section
44 33.080 to the contrary, any moneys remaining in the fund at
45 the end of the biennium shall not revert to the credit of
46 the general revenue fund.

47 **[(4)] (3)** The state treasurer shall invest moneys in
48 the fund in the same manner as other funds are invested.
49 Any interest and moneys earned on such investments shall be
50 credited to the fund.

51 4. No motor vehicle dealer, boat dealer, or powersport
52 dealer that sells or leases new or used motor vehicles,
53 vessels, or vessel trailers and imposes an administrative
54 fee of five hundred dollars or less in connection with the
55 sale or lease of a new or used vehicle, vessel, or vessel
56 trailer for the storage of documents or any other
57 administrative or clerical services shall be deemed to be
58 engaging in the unauthorized practice of law. The maximum
59 administrative fee permitted under this subsection shall be
60 increased annually by an amount equal to the percentage
61 change in the annual average of the Consumer Price Index for
62 All Urban Consumers or its successor index, as reported by
63 the federal Bureau of Labor Statistics or its successor
64 agency, or by zero, whichever is greater. The director of
65 the department of revenue shall annually furnish the maximum
66 administrative fee determined under this section to the
67 secretary of state, who shall publish such value in the
68 Missouri Register as soon as practicable after January
69 fourteenth of each year.

70 5. If an administrative fee is charged under this
71 section, the same administrative fee shall be charged to all
72 retail customers unless the fee is limited by the dealer's
73 franchise agreement to certain classes of customers. The
74 fee shall be disclosed on the retail buyer's order form as a
75 separate itemized charge.

76 6. A preliminary worksheet on which a sale price is
77 computed and that is shown to the purchaser, a retail
78 buyer's order form from the purchaser, or a retail
79 installment contract shall include, in reasonable proximity
80 to the place on the document where the administrative fee
81 authorized by this section is disclosed, the amount of the
82 administrative fee and the following notice in type that is

83 boldfaced, capitalized, underlined, or otherwise
84 conspicuously set out from the surrounding written material:

85 "AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL
86 FEE AND IS NOT REQUIRED BY LAW BUT MAY BE
87 CHARGED BY A DEALER. THIS ADMINISTRATIVE FEE
88 MAY RESULT IN A PROFIT TO DEALER. NO PORTION OF
89 THIS ADMINISTRATIVE FEE IS FOR THE DRAFTING,
90 PREPARATION, OR COMPLETION OF DOCUMENTS OR THE
91 PROVIDING OF LEGAL ADVICE. THIS NOTICE IS
92 REQUIRED BY LAW."

93 7. The general assembly believes that an
94 administrative fee charged in compliance with this section
95 is not the unauthorized practice of law or the unauthorized
96 business of law so long as the activity or service for which
97 the fee is charged is in compliance with the provisions of
98 this section and does not result in the waiver of any rights
99 or remedies. Recognizing, however, that the judiciary is
100 the sole arbitrator of what constitutes the practice of law,
101 in the event that a court determines that an administrative
102 fee charged in compliance with this section, and that does
103 not waive any rights or remedies of the buyer, is the
104 unauthorized practice of law or the unauthorized business of
105 law, then no person who paid that administrative fee may
106 recover said fee or treble damages, as permitted under
107 section 484.020, and no person who charged that fee shall be
108 guilty of a misdemeanor, as provided under section 484.020.

✓