

SENATE BILL NO. 488

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

1512S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 381.410, RSMo, and to enact in lieu thereof one new section relating to funds used for real estate transactions.

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

Section A. Section 381.410, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 381.410,
3 to read as follows:

381.410. As used in this section and section 381.412,
2 the following terms mean:

3 (1) "Cashier's check", a check, however labeled, drawn
4 on the financial institution, which is signed only by an
5 officer or employee of such institution, is a direct
6 obligation of such institution, and is provided to a
7 customer of such institution or acquired from such
8 institution for remittance purposes;

9 (2) "Certified funds", United States currency, funds
10 conveyed by a cashier's check, certified check, **or** teller's
11 check, as defined in Federal Reserve Regulations CC, or
12 **funds conveyed by wire transfers[, including]**
13 **unconditionally received by the settlement agent or the**
14 **agent's depository, or funds conveyed by a real-time payment**
15 **system, including, but not limited to, RTP and Fed Now, for**
16 **which a settlement agent receives** written advice from a
17 financial institution that collected funds have been
18 credited to the settlement agent's account;

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

19 (3) "Director", the director of the department of
20 commerce and insurance, unless the settlement agent's
21 primary regulator is another department. When the
22 settlement agent is regulated by such department, that
23 department shall have jurisdiction over this section and
24 section 381.412;

25 (4) "Financial institution":

26 (a) A person or entity doing business under the laws
27 of this state or the United States relating to banks, trust
28 companies, savings and loan associations, credit unions,
29 commercial and consumer finance companies, industrial loan
30 companies, insurance companies, small business investment
31 corporations licensed under the Small Business Investment
32 Act of 1958, 15 U.S.C. Section 661, et seq., as amended, or
33 real estate investment trusts as defined in 26 U.S.C.
34 Section 856, as amended, or institutions constituting the
35 Farm Credit System under the Farm Credit Act of 1971, 12
36 U.S.C. Section 2000, et seq., as amended; or

37 (b) A mortgage loan company or mortgage banker doing
38 business under the laws of this state or the United States
39 which is subject to licensing, supervision, or auditing by
40 the Federal National Mortgage Association, or the Federal
41 Home Loan Mortgage Corporation, or the United States
42 Veterans' Administration, or the Government National
43 Mortgage Association, or the United States Department of
44 Housing and Urban Development, or a successor of any of the
45 foregoing agencies or entities, as an approved seller or
46 servicer, if their principal place of business is in
47 Missouri or a state which is contiguous to Missouri;

48 (5) "Settlement agent", a person, corporation,
49 partnership, or other business organization which accepts
50 funds and documents as fiduciary for the buyer, seller or

51 lender for the purposes of closing a sale of an interest in
52 real estate located within the state of Missouri, and is not
53 a financial institution, or a member in good standing of the
54 Missouri Bar, or a person licensed under chapter 339.

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