

FIRST REGULAR SESSION

# HOUSE BILL NO. 364

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CUNNINGHAM (86).

Read 1<sup>st</sup> time February 5, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0369L.011

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### AN ACT

To amend chapter 137, RSMo, by adding thereto one new section relating to the taxation of property, with an effective date.

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

Section A. Chapter 137, RSMo, is amended by adding thereto one new section, to be known as section 137.776, to read as follows:

**137.776. 1. As used in this section, the following terms mean:**

(1) "Assessor", the county assessor as provided for in chapter 53, RSMo;

(2) "Certificate of value", a form for reporting the following:

(a) A statement as to whether the transaction was at arms length; and

(b) In the case of any deed not a gift, the amount of the full actual consideration therefor, paid or to be paid, including the amount of any lien or liens thereon; and

(c) A statement of the actual or intended use of the property; or

(d) The form shall report the information required in paragraph (a) of this subdivision and the reason or reasons why any information set out in paragraphs (b) and (c) of this subdivision is not required, as set forth in this section;

(3) "Recorder", the recorder of deeds as provided for in chapter 59, RSMo;

(4) "Residential, commercial or industrial real property", property which in the most recent assessment prior to the property's transfer was assessed as residential property or as utility, industrial, commercial, railroad, and other real property as defined in section 137.016.

2. No recorder shall accept for recording any deed or instrument by which any interest in residential, commercial, or industrial real property within this state shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, any person or

19 persons unless the deed or instrument indicates, in a manner to be determined by the state  
20 tax commission, that a completed certificate of value has been delivered to the assessor.  
21 The assessor shall file any certificate of value received by such assessor.

22 **3. The following persons are responsible for the delivery of a certificate of value:**

23 **(1) The grantee of the deed or instrument, or any responsible officer or agent of a**  
24 **grantee which is a corporation, partnership, or other entity; or**

25 **(2) The attorney, real estate agent or broker, or title company representing the**  
26 **grantee in any such transaction, or delivering the deed or other instrument to the recorder,**  
27 **and including each responsible officer and agent of the foregoing.**

28 **4. Each certificate of value delivered pursuant to this section shall be affirmed by**  
29 **one of the grantees, or the grantee's legal representative, as to the veracity of the**  
30 **declaration of value of the residential, commercial, or industrial real property transferred.**

31 **5. The form of the certificate of value shall include the affirmation required by this**  
32 **section and shall be prescribed by the state tax commission, which shall provide an**  
33 **adequate supply of such forms without charge to each recorder in the state.**

34 **6. All certificates of value shall be made available by the assessor to the state tax**  
35 **commission or its representatives.**

36 **7. The financial data required on the certificate of value pursuant to this section**  
37 **need not be provided on a certificate of value for a transfer of title or other interest in**  
38 **residential, commercial, or industrial real property:**

39 **(1) When the consideration for the interest or property conveyed is less than one**  
40 **hundred dollars;**

41 **(2) Made solely to provide or release security for a debt or obligation;**

42 **(3) Which confirms or corrects a deed previously recorded;**

43 **(4) Between husband and wife or parent and child with only nominal actual**  
44 **consideration therefor;**

45 **(5) Made in settlement of a dissolution of marriage;**

46 **(6) Made pursuant to a sale for delinquent taxes;**

47 **(7) Made in the closing or liquidation of an estate or guardianship estate;**

48 **(8) On partition;**

49 **(9) Made by a subsidiary corporation to its parent corporation for no**  
50 **consideration, nominal consideration, or in sole consideration of the cancellation or**  
51 **surrender of the subsidiary's stock;**

52 **(10) Made in the foreclosure of a deed of trust or other security interest;**

53 **(11) If the instrument was executed prior to January 1, 2004;**

54 **(12) When the instrument is a mining or mineral lease;**

55           **(13) Of cemetery lots; or**

56           **(14) When ordered by any court.**

57           **8. No deed may be filed without a certificate of value, for which there shall be a**  
58 **filing fee of ten dollars, payable at the time of filing.**

Section B. Section A of this act shall become effective January 1, 2004.