

FIRST REGULAR SESSION

# HOUSE BILL NO. 235

## 93RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES FARES (Sponsor), BIVINS, PORTWOOD, ICET, FRASER, DAUS, SKAGGS, JACKSON, SCHAAF, LEMBKE, DONNELLY, LOWE (44), BYRD, BEARDEN, BROWN (50), HUGHES, STEFANICK, SCHOEMEHL AND VILLA (Co-sponsors).

Read 1<sup>st</sup> time January 18, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0911L.011

---

### AN ACT

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

---

*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**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 **137.016.**

16 **2. No recorder shall accept for recording any deed or instrument by which any**  
17 **interest in residential, commercial, or industrial real property within this state shall be**  
18 **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, 2005;**

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

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

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

57 **(15) When the transfer of title is to or from the United States, the state of Missouri,**  
58 **or any other instrumentality, agency, or political subdivision thereof; or**

59 **(16) When such property is located in a political subdivision which has established**  
60 **by ordinance or amendment its own system of requiring certificates of value; except that,**  
61 **in such political subdivisions, all certificates of value shall be made available to the state**  
62 **tax commission or its representatives.**

63 **8. Except as provided in subsections 1 to 7 of this section, no current or former**  
64 **assessor or state tax commissioner or any current or former deputy, employee, or agent of**  
65 **such officer shall disclose any information received as a result of the filing of a certificate**  
66 **of value required by this section. Any information received as a result of the filing of a**  
67 **certificate of value as required by this section shall be closed records and shall be exempt**  
68 **from disclosure, examination, and copying pursuant to chapter 610, RSMo.**

69 **9. Nothing in this section shall be construed to prohibit:**

70 **(1) The use of information contained in a certificate of value by the assessor for**  
71 **statistical purposes in implementing a plan of general reassessment, as defined in section**  
72 **137.073, or implementing an assessment and equalization maintenance plan approved**  
73 **pursuant to section 137.115;**

74 **(2) The use of information contained in a certificate of value by the state tax**  
75 **commission in developing ratios as required by chapter 163, RSMo, or other statistical**  
76 **purposes or public proceedings;**

77 **(3) The release of information contained in a certificate of value by the assessor**  
78 **upon receipt of a written request to a party who originally delivered the certificate of value**  
79 **or such party's duly authorized representative;**

80 **(4) The publication by the state tax commission of statistics so classified as to**  
81 **prevent the identification of particular certificates of value;**

82 **(5) The disclosure of certificates of value, or information related thereto, by the**  
83 **assessor upon receipt of a written request to the state auditor or the auditor's authorized**  
84 **employees or agents who have taken the oath of confidentiality required by section 29.070,**  
85 **RSMo, or the publication or disclosure by the state auditor of information concerning the**  
86 **certificates of value provided a particular certificate of value is not disclosed.**

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

Section B. Section A of this act shall become effective January 1, 2006.