SECOND REGULAR SESSION

HOUSE BILL NO. 1975

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BIVINS (Sponsor), KIRKTON AND GRISAMORE (Co-sponsors).

3032L.01I D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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;

(2) "Mortgage value disclosure statement", 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;

(4) "Residential, commercial, or industrial real property", property which in the most recent assessment before 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.

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.

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

3. The following persons are responsible for the delivery of a mortgage value disclosure statement:

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

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

4. Each mortgage value disclosure statement delivered under this section shall be affirmed by one of the grantees, or the grantee's legal representative, as to the veracity of the declaration of value of the residential, commercial, or industrial real property transferred.

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

6. All mortgage value disclosure statements shall be made available by the assessor to the state tax commission or its representatives.

7. The financial data required on the mortgage value disclosure statement under this section need not be provided on a mortgage value disclosure statement for a transfer of title or other interest in residential, commercial, or industrial real property:

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

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

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

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

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

(6) Made under a sale for delinquent taxes;

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

(8) On partition;

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

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

(11) If the instrument was executed before January 1, 2011;

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

(13) Of cemetery lots;

(14) When ordered by any court;

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

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

8. Except as provided in subsections 1 to 7 of this section, no current or former assessor or state tax commissioner or any current or former deputy, employee, or agent of such officer shall disclose any information received as a result of the filing of a mortgage value disclosure statement required by this section. Any information received as a result of the filing of a mortgage value disclosure statement as required by this section shall be closed records and shall be exempt from disclosure, examination, and copying under chapter 610.

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

(1) The use of information contained in a mortgage value disclosure statement by the assessor for statistical purposes in implementing a plan of general reassessment, as defined in section 137.073, or implementing an assessment and equalization maintenance plan approved under section 137.115;

(2) The use of information contained in a mortgage value disclosure statement by the state tax commission in developing ratios as required by chapter 163, or other statistical purposes or public proceedings;

(3) The release of information contained in a mortgage value disclosure statement by the assessor upon receipt of a written request to a party who originally delivered the mortgage value disclosure statement or such party's duly authorized representative;

(4) The publication by the state tax commission of statistics so classified as to prevent the identification of particular mortgage value disclosure statements;

(5) The disclosure of mortgage value disclosure statements, or information related thereto, by the assessor upon receipt of a written request to the state auditor or the auditor's authorized employees or agents who have taken the oath of confidentiality required by section 29.070, or the publication or disclosure by the state auditor of information concerning the mortgage value disclosure statements provided a particular mortgage value disclosure statement is not disclosed.

10. No deed shall be filed without a mortgage value disclosure statement, for which there shall be a filing fee of ten dollars, payable at the time of filing.

11. This section shall become effective January 1, 2011.

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