

FIRST REGULAR SESSION

# HOUSE BILL NO. 518

## 98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FRAKER.

1316H.011

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to fee collection.

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

Section A. Section 136.055, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 136.055, to read as follows:

136.055. 1. Any person who is selected or appointed by the state director of revenue as provided in subsection 2 of this section to act as an agent of the department of revenue, whose duties shall be the processing of motor vehicle title and registration transactions and the collection of sales and use taxes when required under sections 144.070 and 144.440, and who receives no salary from the department of revenue, shall be authorized to collect from the party requiring such services additional fees as compensation in full and for all services rendered on the following basis:

(1) For each motor vehicle or trailer registration issued, renewed or transferred--three dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant to section 301.147;

(2) For each application or transfer of title--two dollars and fifty cents;

(3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's license issued for a period of three years or less--two dollars and fifty cents and five dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien processed--two dollars and fifty cents;

(5) [No notary fee or other fee or additional charge shall be paid or collected except for] **For each** electronic [telephone] transmission [reception]--two dollars;

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.

18           **(6) For each electronic look-up of taxes or insurance—two dollars; and**

19           **(7) For each notary fee—two dollars.**

20           2. The director of revenue shall award fee office contracts under this section through a  
21 competitive bidding process. The competitive bidding process shall give priority to  
22 organizations and entities that are exempt from taxation under Section 501(c)(3) or 501(c)(6) of  
23 the Internal Revenue Code of 1986, as amended, and political subdivisions, including but not  
24 limited to, municipalities, counties, and fire protection districts. **The director shall not**  
25 **consider any offer to provide the department of revenue a portion of the fees collected as**  
26 **part of the competitive bidding process.** The director of the department of revenue may  
27 promulgate rules and regulations necessary to carry out the provisions of this subsection. Any  
28 rule or portion of a rule, as that term is defined in section 536.010, that is created under the  
29 authority delegated in this subsection shall become effective only if it complies with and is  
30 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
31 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
32 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule  
33 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
34 proposed or adopted after August 28, 2009, shall be invalid and void.

35           3. All fees collected by a tax-exempt organization may be retained and used by the  
36 organization.

37           4. All fees charged shall not exceed those in this section. The fees imposed by this  
38 section shall be collected by all permanent offices and all full-time or temporary offices  
39 maintained by the department of revenue.

40           5. Any person acting as agent of the department of revenue for the sale and issuance of  
41 registrations, licenses, and other documents related to motor vehicles shall have an insurable  
42 interest in all license plates, licenses, tabs, forms and other documents held on behalf of the  
43 department.

44           6. The fees authorized by this section shall not be collected by motor vehicle dealers  
45 acting as agents of the department of revenue under section 32.095 or those motor vehicle  
46 dealers authorized to collect and remit sales tax under subsection 8 of section 144.070.

47           7. Notwithstanding any other provision of law to the contrary, the state auditor may audit  
48 all records maintained and established by the fee office in the same manner as the auditor may  
49 audit any agency of the state, and the department shall ensure that this audit requirement is a  
50 necessary condition for the award of all fee office contracts. No confidential records shall be  
51 divulged in such a way to reveal personally identifiable information.

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