

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 176, Page 16,
2 Section 301.010, Line 332, by inserting after all of said section and line the following:
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4 "301.558. 1. A motor vehicle dealer, boat dealer, or powersport dealer may fill in the blanks
5 on standardized forms in connection with the sale or lease of a new or used motor vehicle, vessel, or
6 vessel trailer if the motor vehicle dealer, boat dealer, or powersport dealer does not charge for the
7 services of filling in the blanks or otherwise charge for preparing documents.

8 2. A motor vehicle dealer, boat dealer, or powersport dealer may charge an administrative fee in
9 connection with the sale or lease of a new or used motor vehicle, vessel, or vessel trailer for the
10 storage of documents or any other administrative or clerical services not prohibited by this section.
11 A portion of the administrative fee may result in profit to the motor vehicle dealer, boat dealer, or
12 powersport dealer.

13 3. (1) Ten percent of any fee authorized under this section and charged by motor vehicle dealers
14 shall be remitted to the motor vehicle administration technology fund established in this subsection,
15 for the development of the system specified in this subsection. Following the development of the
16 system specified in this subsection, the director of the department of revenue shall notify motor
17 vehicle dealers and implement the system, and the percentage of any fee authorized under this
18 section required to be remitted to the fund shall be reduced to one percent, which shall be used for
19 maintenance of the system. This subsection shall expire on January 1, 2037.

20 (2) There is hereby created in the state treasury the "Motor Vehicle Administration Technology
21 Fund", which shall consist of money collected as specified in this subsection. The state treasurer
22 shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer
23 may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be
24 used solely by the department of revenue for the purpose of development and maintenance of a
25 modernized, integrated system for the titling of vehicles, issuance and renewal of vehicle
26 registrations, issuance and renewal of driver's licenses and identification cards, and perfection and
27 release of liens and encumbrances on vehicles.

28 (3) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in
29 the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

30 (4) The state treasurer shall invest moneys in the fund in the same manner as other funds are
31 invested. Any interest and moneys earned on such investments shall be credited to the fund.

32 4. No motor vehicle dealer, boat dealer, or powersport dealer that sells or leases new or used
33 motor vehicles, vessels, or vessel trailers and imposes an administrative fee of [less than two] five
34 hundred dollars or less in connection with the sale or lease of a new or used vehicle, vessel, or
35 vessel trailer for the storage of documents or any other administrative or clerical services shall be
36 deemed to be engaging in the unauthorized practice of law. The maximum administrative fee

Action Taken _____ Date _____

permitted under this subsection shall be increased annually by an amount equal to the percentage change in the annual average of the Consumer Price Index for All Urban Consumers or its successor index, as reported by the federal Bureau of Labor Statistics or its successor agency, or by zero, whichever is greater. The director of the department of revenue shall annually furnish the maximum administrative fee determined under this section to the secretary of state, who shall publish such value in the Missouri register as soon as practicable after January fourteenth of each year.

[4.] 5. If an administrative fee is charged under this section, the same administrative fee shall be charged to all retail customers [and] unless the fee is limited by the dealer's franchise agreement to certain classes of customers. The fee shall be disclosed on the retail buyer's order form as a separate itemized charge.

[5.] 6. A preliminary worksheet on which a sale price is computed and that is shown to the purchaser, a retail buyer's order form from the purchaser, or a retail installment contract shall include, in reasonable proximity to the place on the document where the administrative fee authorized by this section is disclosed, the amount of the administrative fee and the following notice in type that is boldfaced, capitalized, underlined, or otherwise conspicuously set out from the surrounding written material:

"AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE AND IS NOT REQUIRED BY LAW BUT MAY BE CHARGED BY A DEALER. THIS ADMINISTRATIVE FEE MAY RESULT IN A PROFIT TO DEALER. NO PORTION OF THIS ADMINISTRATIVE FEE IS FOR THE DRAFTING, PREPARATION, OR COMPLETION OF DOCUMENTS OR THE PROVIDING OF LEGAL ADVICE. THIS NOTICE IS REQUIRED BY LAW."

[6.] 7. The general assembly believes that an administrative fee charged in compliance with this section is not the unauthorized practice of law or the unauthorized business of law so long as the activity or service for which the fee is charged is in compliance with the provisions of this section and does not result in the waiver of any rights or remedies. Recognizing, however, that the judiciary is the sole arbitrator of what constitutes the practice of law, in the event that a court determines that an administrative fee charged in compliance with this section, and that does not waive any rights or remedies of the buyer, is the unauthorized practice of law or the unauthorized business of law, then no person who paid that administrative fee may recover said fee or treble damages, as permitted under section 484.020, and no person who charged that fee shall be guilty of a misdemeanor, as provided under section 484.020."; and

Further amend said bill, Page 28, Section 365.020, Line 60, by inserting after all of said section and line the following:

"407.005. As used in this chapter, unless the context clearly requires otherwise, the term "digital electronic equipment" shall mean any product that depends for its functioning, in whole or in part, on digital electronics embedded in or attached to the product; provided however, that such term shall not include any motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer, or any product or service of a motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer acting in that capacity."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.