

FIRST REGULAR SESSION

# HOUSE BILL NO. 424

## 102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PERKINS.

0842H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to motor vehicle registration.

*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Section A. Section 136.055, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 136.055, to read as follows: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, ~~six~~ **nine** dollars and ~~twelve~~ **eighteen** dollars for those licenses sold or biennially renewed pursuant to section 301.147;

(2) For each application or transfer of title, ~~six~~ **nine** dollars;

(3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's license issued for a period of three years or less, ~~six~~ **nine** dollars and ~~twelve~~ **eighteen** dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien processed, ~~six~~ **nine** dollars;

(5) Notary fee or electronic transmission per processing, 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           2. The director of revenue shall award fee office contracts under this section through  
19 a competitive bidding process. The competitive bidding process shall give priority to  
20 organizations and entities that are exempt from taxation under Section 501(c)(3), 501(c)(6), or  
21 501(c)(4), except those civic organizations that would be considered action organizations  
22 under 26 C.F.R. Section 1.501 (c)(3)-1(c)(3), of the Internal Revenue Code of 1986, as  
23 amended, with special consideration given to those organizations and entities that reinvest a  
24 minimum of seventy-five percent of the net proceeds to charitable organizations in Missouri,  
25 and political subdivisions, including but not limited to, municipalities, counties, and fire  
26 protection districts. **Notwithstanding any law to the contrary, the director of revenue**  
27 **shall not award any fee office contract under this section to any entity affiliated in any**  
28 **manner with a current employee of the department of revenue or with a former**  
29 **employee of the department of revenue for the two-year period following a former**  
30 **employee's termination of employment with the department. For purposes of this**  
31 **subsection, "affiliated in any manner" includes owning the entity that is applying for a**  
32 **fee office contract or serving as an officer or board member of such entity.** The director  
33 of the department of revenue may promulgate rules and regulations necessary to carry out the  
34 provisions of this subsection. Any rule or portion of a rule, as that term is defined in section  
35 536.010, that is created under the authority delegated in this subsection shall become effective  
36 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
37 section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
38 vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
39 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant  
40 of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be  
41 invalid and void.

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

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

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

51           6. The fees authorized by this section shall not be collected by motor vehicle dealers  
52 acting as agents of the department of revenue under section 32.095 or those motor vehicle  
53 dealers authorized to collect and remit sales tax under subsection 10 of section 144.070.

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

59           **8. Notwithstanding any other provision of law, one dollar of any fee authorized**  
60 **and charged under subdivision (1), (2), (3), or (4) of subsection 1 of this section shall be**  
61 **remitted to the license office distribution fund established under subsection 9 of this**  
62 **section.**

63           **9. (1) There is hereby created in the state treasury the "License Office**  
64 **Distribution Fund", which shall consist of moneys collected as provided under**  
65 **subsection 8 of this section. The state treasurer shall be custodian of the fund. In**  
66 **accordance with sections 30.170 and 30.180, the state treasurer may approve**  
67 **disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys**  
68 **in this fund shall be distributed equally among fee offices awarded contracts under this**  
69 **section in four quarterly disbursements each year.**

70           **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**  
71 **remaining in the fund at the end of the biennium shall not revert to the credit of the**  
72 **general revenue fund.**

73           **(3) The state treasurer shall invest moneys in the fund in the same manner as**  
74 **other funds are invested. Any interest and moneys earned on such investments shall be**  
75 **credited to the fund.**

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