

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 2087

102ND GENERAL ASSEMBLY

4493H.02P

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 108.170, 130.011, 130.021, 130.031, 130.036, 130.041, 361.700, 361.705, 361.707, 361.711, 361.715, 361.718, 361.720, 361.723, 361.725, 361.727, 376.1345, 408.035, 408.140, and 442.210, RSMo, and to enact in lieu thereof fifty-seven new sections relating to financial transactions, with penalty provisions.

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

Section A. Sections 108.170, 130.011, 130.021, 130.031, 130.036, 130.041, 361.700, 2 361.705, 361.707, 361.711, 361.715, 361.718, 361.720, 361.723, 361.725, 361.727, 3 376.1345, 408.035, 408.140, and 442.210, RSMo, are repealed and fifty-seven new 4 sections enacted in lieu thereof, to be known as sections 108.170, 108.371, 130.011, 130.021, 5 130.031, 130.036, 130.041, 361.900, 361.903, 361.906, 361.909, 361.912, 361.915, 361.918, 6 361.921, 361.924, 361.927, 361.930, 361.933, 361.936, 361.939, 361.942, 361.945, 361.948, 7 361.951, 361.954, 361.957, 361.960, 361.963, 361.966, 361.969, 361.972, 361.975, 361.978, 8 361.981, 361.984, 361.987, 361.990, 361.996, 361.999, 361.1002, 361.1005, 361.1008, 9 361.1011, 361.1014, 361.1017, 361.1020, 361.1023, 361.1026, 361.1029, 361.1032, 10 361.1035, 376.1345, 408.035, 408.140, 427.300, and 442.210, to read as follows:

108.170. 1. Notwithstanding any other provisions of any law or charter to the 2 contrary, any issue of bonds, notes, or other evidences of indebtedness, including bonds, 3 notes, or other evidences of indebtedness payable solely from revenues derived from any 4 revenue-producing facility, hereafter issued under any law of this state by any county, city, 5 town, village, school district, educational institution, drainage district, levee district, nursing 6 home district, hospital district, library district, road district, fire protection district, water 7 supply district, sewer district, housing authority, land clearance for redevelopment authority,

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.

8 special authority created under section 64.920, authority created pursuant to the provisions of  
9 chapter 238, or other municipality, political subdivision, or district of this state shall be  
10 negotiable~~[-]~~; may be issued in ~~[bearer]~~ **book-entry** form or registered form with or without  
11 coupons to evidence interest payable thereon~~[-]~~; may be issued in any denomination~~[-, and]~~;  
12 may bear interest at a rate not exceeding ten percent per annum **or at a rate that is up to two**  
13 **hundred fifty basis points above the longest maturity United States Treasury bond,**  
14 **whichever is greater**~~[-]~~; and may be sold, at any sale, at ~~[the best price obtainable,]~~ a  
15 **competitive market yield as evidenced by a signed statement or memorandum from the**  
16 **underwriter, bond purchaser, or the issuer's municipal advisor, at a price** not less than  
17 ~~[ninety-five]~~ **fifty** percent of the par value thereof, anything in any proceedings heretofore had  
18 authorizing such bonds, notes, or other evidence of indebtedness, or in any law of this state or  
19 charter provision to the contrary notwithstanding. Such issue of bonds, notes, or other  
20 evidence of indebtedness may bear interest at a rate not exceeding fourteen percent per annum  
21 **or at a rate that is up to two hundred fifty basis points above the longest maturity**  
22 **United States Treasury bond, whichever is greater,** if sold at public sale after giving  
23 reasonable notice of such sale, at the ~~[best price obtainable,]~~ **lowest true interest cost bid**  
24 **received, at a price** not less than ~~[ninety-five]~~ **fifty** percent of the par value thereof; provided  
25 ~~[-]~~ that such bonds, notes, or other evidence of indebtedness may be sold to any agency or  
26 corporate or other instrumentality of the state of Missouri or of the federal government at  
27 private sale at a rate not exceeding fourteen percent per annum **or at a rate that is up to two**  
28 **hundred fifty basis points above the longest maturity United States Treasury bond,**  
29 **whichever is greater.** If a political subdivision has an unenhanced bond rating ~~[of AA+ or~~  
30 ~~higher, or comparable rating,]~~ **that is one of the two highest long-term ratings or the**  
31 **highest short-term rating issued by a nationally recognized rating agency** on its  
32 outstanding general obligation bonds or is proposing to issue general obligation bonds with an  
33 unenhanced bond rating ~~[of AA+ or higher, or comparable rating]~~ **that is one of the two**  
34 **highest long-term ratings or the highest short-term rating issued by a nationally**  
35 **recognized rating agency,** the new issue of general obligation bonds shall be issued through  
36 a competitive process unless the political subdivision employs the services of a municipal  
37 advisor, in which case the political subdivision may use a negotiated or competitive process,  
38 except that such requirements shall not apply to any general obligation bonds:

39 (1) Sold, pursuant to written agreement, to the government of the United States of  
40 America or of the state of Missouri or to any bureau, department, body corporate,  
41 instrumentality, or agency of the United ~~[State]~~ **States** of America or the state of Missouri;

42 (2) Where the principal amount of the bonds issued does not exceed ~~[twelve]~~ **twenty**  
43 million ~~[five hundred thousand]~~ dollars; or

44 (3) That are issued or are part of an issue issued to refinance a prior issue of general  
45 obligation indebtedness or which are issued contemporaneously with any such issue of  
46 refunding bonds; provided, the refunding bonds shall not exceed the principal of the  
47 outstanding indebtedness to be refunded and the accrued interest to the date of such refunding  
48 bonds.

49

50 A municipal advisor shall not be allowed to profit financially or otherwise, either directly or  
51 indirectly, from the underwriter of a negotiated bond issuance.

52 2. Notwithstanding the provisions of subsection 1 of this section to the contrary, the  
53 sale of bonds, notes, or other evidence of indebtedness issued by the state board of public  
54 buildings created under section 8.010, the state board of fund commissioners created under  
55 section 33.300, any port authority created under section 68.010, the bi-state metropolitan  
56 development district authorized under section 70.370, any special business district created  
57 under section 71.790, any county, as defined in section 108.465, exercising the powers  
58 granted by sections 108.450 to 108.470, the ~~[industrial development]~~ **Missouri development**  
59 **finance** board created under section 100.265, any planned industrial expansion authority  
60 created under section 100.320, the higher education loan authority created under section  
61 173.360, the Missouri housing development commission created under section 215.020, the  
62 state environmental improvement and energy resources authority created under section  
63 260.010, the agricultural and small business development authority created under section  
64 348.020, any industrial development corporation created under section 349.035, or the health  
65 and educational facilities authority created under section 360.020 shall, with respect to the  
66 sales price, manner of sale and interest rate, be governed by the specific sections applicable to  
67 each of these entities.

68 3. Any person who is engaged as a municipal advisor by a political corporation or  
69 subdivision with respect to a particular issue of securities shall be independent of the  
70 underwriter of that issue of securities. For the purposes of this section, "municipal advisor"  
71 shall be either:

72 (1) A person registered as a municipal advisor under the rules of the United States  
73 Securities and Exchange Commission; or

74 (2) A person who is a chief financial officer of a school district and either:

75 (a) Is a certified public accountant; or

76 (b) Has a masters of business administration and is certified as an administrator of  
77 school finance and operations by the Association of School Business Officials International.

78

79 For the purposes of this subsection, "independent" shall have the same meaning as defined by  
80 the rules of the United States Securities and Exchange Commission. In determining the

81 individuals or entities that may serve as a municipal advisor, nothing in this section shall be  
82 construed to be more restrictive than the definition of a municipal advisor as established by  
83 the United States Securities and Exchange Commission.

84 4. Notwithstanding other provisions of this section or other law, the sale of bonds,  
85 notes, or other evidence of indebtedness issued by any housing authority created under  
86 section 99.040 may be sold at any sale, at the ~~[best price]~~ **lowest true interest cost**  
87 obtainable, not less than ~~[ninety-five]~~ **fifty** percent of the par value thereof, and may bear  
88 interest at a rate not exceeding fourteen percent per annum **or at a rate that is up to two**  
89 **hundred fifty basis points above the longest maturity United States Treasury bond,**  
90 **whichever is greater.** The sale shall be a public sale unless the issuing jurisdiction adopts a  
91 resolution setting forth clear justification why the sale should be a private sale except that  
92 private activity bonds may be sold either at public or private sale.

93 5. Notwithstanding other provisions of this section or law, industrial development  
94 revenue bonds may be sold at private sale and bear interest at a rate not exceeding fourteen  
95 percent per annum **or at a rate that is up to two hundred fifty basis points above the**  
96 **longest maturity United States Treasury bond, whichever is greater,** at the ~~[best price]~~  
97 **lowest true interest cost** obtainable, not less than ~~[ninety-five]~~ **fifty** percent of the par value  
98 thereof.

99 6. Notwithstanding other provisions in subsection 1 of this section to the contrary,  
100 revenue bonds issued for airport purposes by any constitutional charter city in this state which  
101 now has or may hereafter acquire a population of more than three hundred thousand but less  
102 than six hundred thousand inhabitants, according to the last federal decennial census, may  
103 bear interest at a rate not exceeding fourteen percent per annum **or at a rate that is up to two**  
104 **hundred fifty basis points above the longest maturity United States Treasury bond,**  
105 **whichever is greater,** if sold at public sale after giving reasonable notice, at the ~~[best price]~~  
106 **lowest true interest cost** obtainable, not less than ~~[ninety-five]~~ **fifty** percent of the par value  
107 thereof.

108 7. For purposes of the interest rate limitations set forth in this section, the interest rate  
109 on bonds, notes or other evidence of indebtedness described in this section means the rate at  
110 which the present value of the debt service payments on an issue of bonds, notes or other  
111 evidence of indebtedness, discounted to the date of issuance, equals the original price at  
112 which such bonds, notes or other evidence of indebtedness are sold by the issuer. Interest on  
113 bonds, notes or other evidence of indebtedness may be paid periodically at such times as shall  
114 be determined by the governing body of the issuer and may be compounded in accordance  
115 with section 408.080.

116 8. Notwithstanding any provision of law or charter to the contrary:

117 (1) Any entity referenced in subsection 1 or 2 of this section and any other political  
118 corporation of the state which entity or political corporation has an annual operating budget  
119 for the current year exceeding twenty-five million dollars may, in connection with managing  
120 the cost to such entity or political corporation of purchasing fuel, electricity, natural gas, and  
121 other commodities used in the ordinary course of its lawful operations, enter into agreements  
122 providing for fixing the cost of such commodity, including without limitation agreements  
123 commonly referred to as hedges, futures, and options; provided that as of the date of such  
124 agreement, such entity or political corporation shall have complied with subdivision (3) of  
125 this subsection; and further provided that no eligible school **entity**, as defined in section  
126 393.310, shall be authorized by this subsection to enter into such agreements in connection  
127 with the purchase of natural gas while the tariffs required under section 393.310 are in effect;

128 (2) Any entity referenced in subsection 1 or 2 of this section and any other political  
129 corporation of the state may, in connection with its bonds, notes, or other obligations then  
130 outstanding or to be issued and bearing interest at a fixed or variable rate, enter into  
131 agreements providing for payments based on levels of or changes in interest rates, including  
132 without limitation certain derivative agreements commonly referred to as interest rate swaps,  
133 hedges, caps, floors, and collars, provided that:

134 (a) As of the date of issuance of the bonds, notes, or other obligations to which such  
135 agreement relates, such entity or political corporation will have bonds, notes, or other  
136 obligations outstanding in an aggregate principal amount of at least fifty million dollars; and

137 (b) As of the date of such agreement, such entity's or political corporation's bonds,  
138 notes, or other obligations then outstanding or to be issued have received a stand-alone credit  
139 rating in one of the ~~[two highest categories, without regard to any gradation within such~~  
140 ~~categories, from at least one]~~ **four highest long-term ratings or the highest short-term**  
141 **rating issued by a** nationally recognized credit rating agency, or such entity or political  
142 corporation has an issuer or general credit rating, in one of the ~~[two highest categories,~~  
143 ~~without regard to any gradation within such categories, from at least one]~~ **four highest long-**  
144 **term ratings or the highest short-term rating issued by a** nationally recognized credit  
145 rating agency; and

146 (c) As of the date of such agreement, such entity or political corporation shall have  
147 complied with subdivision (3) of this subsection;

148 (3) Prior to entering into any agreements pursuant to subdivision (1) or (2) of this  
149 subsection, the governing body of the entity or political corporations entering into such  
150 agreements shall have adopted a written policy governing such agreements. Such policy shall  
151 be prepared by integrating the recommended practices published by the Government Finance  
152 Officers Association or comparable nationally recognized professional organization and shall  
153 provide guidance with respect to the permitted purposes, authorization process, mitigation of

154 risk factors, ongoing oversight responsibilities, market disclosure, financial strategy, and any  
155 other factors in connection with such agreements determined to be relevant by the governing  
156 body of such entity or political corporation. Such entity or political corporation may enter  
157 into such agreements at such times and such agreements may contain such payment, security,  
158 default, remedy, and other terms and conditions as shall be consistent with the written policy  
159 adopted under this subdivision and as may be approved by the governing body of such entity  
160 or other obligated party, including any rating by any nationally recognized rating agency and  
161 any other criteria as may be appropriate;

162 (4) Nothing in this subsection shall be applied or interpreted to authorize any such  
163 entity or political corporation to enter into any such agreement for investment purposes or to  
164 diminish or alter the special or general power any such entity or political corporation may  
165 otherwise have under any other provisions of law including the special or general power of  
166 any interstate transportation authority.

167 9. The state treasurer shall make available to municipalities, political subdivisions, or  
168 districts listed under subsection 1 of this section relevant information regarding debt issuance  
169 and bidding processes, including best practices resources published by a national association  
170 of government finance officers on debt issuance, to aid such entities with the process of  
171 issuing debt and awarding bonds to the best bidder.

**108.371. 1. As used in this section, "eligible green project" means a project or  
2 activity that relates to and supports a positive environmental impact including, but not  
3 limited to, assets, investments, and other related and supporting expenditures that relate  
4 to any of the following or other similar categories:**

5 (1) **Renewable energy including, but not limited to, production, transmission,  
6 and appliances and products;**

7 (2) **Energy efficiency, such as in new and refurbished buildings, energy storage,  
8 district heating, smart grids, and appliances and products;**

9 (3) **Pollution prevention and control including, but not limited to, reduction of  
10 air emissions, greenhouse gas control, soil remediation, waste prevention, waste  
11 reduction, waste recycling, and energy or emission-efficient waste to energy;**

12 (4) **Environmentally sustainable management of living natural resources and  
13 land use including, but not limited to, environmentally sustainable agriculture,  
14 environmentally sustainable animal husbandry, climate-smart farm inputs such as  
15 biological crop protection or drip-irrigation, environmentally sustainable fishery and  
16 aquaculture, environmentally sustainable forestry including, but not limited to,  
17 afforestation or reforestation, and preservation or restoration of natural landscapes;**

18 (5) **Terrestrial and aquatic biodiversity conservation including, but not limited  
19 to, the protection of coastal, marine, and watershed environments;**

20           **(6) Clean transportation, such as electric, hybrid, public, rail, nonmotorized,**  
21 **and multimodal transportation; infrastructure for clean energy vehicles; and reduction**  
22 **of harmful emissions;**

23           **(7) Sustainable water and wastewater management including, but not limited to,**  
24 **sustainable infrastructure for clean or drinking water, wastewater treatment,**  
25 **sustainable urban drainage systems, and river training and other forms of flooding**  
26 **mitigation;**

27           **(8) Climate change adaptation including, but not limited to, efforts to make**  
28 **infrastructure more resilient to impacts of climate change, as well as information**  
29 **support systems, such as climate observation and early warning systems;**

30           **(9) Circular-economy adapted products, production technologies, and processes,**  
31 **such as the design and introduction of reusable, recyclable, and refurbished materials,**  
32 **components, and products; circular tools and services; and certified eco-efficient**  
33 **products; and**

34           **(10) Green buildings that meet regional, national, or internationally recognized**  
35 **standards or certifications for environmental performance.**

36           **2. For a municipal bond issued in this state to be rated or validated as a green**  
37 **bond, at least eighty-five percent of the bond proceeds shall be used for eligible green**  
38 **projects.**

39           **3. (1) Except as provided in subdivision (2) of this subsection, notwithstanding**  
40 **any other provision of law to the contrary, the interest on and income from a municipal**  
41 **bond that is rated or validated as a green bond shall be exempt from income taxation by**  
42 **this state. Capital gains taxes on bonds issued under this section are not exempt from**  
43 **income taxation by this state.**

44           **(2) The exemption from income taxation provided under subdivision (1) of this**  
45 **subsection shall not apply to a municipal bond that is rated or validated as a green bond**  
46 **and that is issued to finance a project by a private entity.**

47           **4. (1) The state auditor may conduct an audit of municipal green bonds issued**  
48 **by a municipality to review whether such bonds comply with the requirements of this**  
49 **section for being rated or validated as a green bond. The state auditor may conduct**  
50 **such audit at the state auditor's discretion and shall conduct such audit in the same**  
51 **manner as the state auditor conducts other similar audits under chapter 29.**

52           **(2) If a review of a municipal green bond determines that less than eighty-five**  
53 **percent of the bond proceeds were or are being used for eligible green projects, the**  
54 **green bond rating or validation on such municipal bond shall be void, the exemption**  
55 **from state income taxation provided under subsection 3 of this section for the interest on**  
56 **and income from such municipal bond shall be void, and the bond holder may recoup**

57 **the amount of such taxes from the issuer of the bond. Notwithstanding any statute of**  
58 **limitation to the contrary, the bond holder shall pay, and the department of revenue**  
59 **may assess and collect, state income tax on the interest on and income from such**  
60 **municipal bond.**

61 **5. To protect municipal green bond holders and provide moneys for such bond**  
62 **holders to recoup the amount of taxes as provided in subsection 4 of this section, a**  
63 **municipality that issues a municipal green bond shall establish a green bond holder**  
64 **protection fund separate from the municipality's debt service reserve fund or equivalent**  
65 **fund upon a finding by the state auditor that a bond issued by the municipality does not**  
66 **meet the percentage required by subsection 2 of this section to be used for eligible green**  
67 **projects. The amount maintained in the green bond holder protection fund shall be**  
68 **equal to at least the amount of interest to be paid each year on such municipal green**  
69 **bond multiplied by the top state income tax rate applicable to individuals under section**  
70 **143.011.**

130.011. As used in this chapter, unless the context clearly indicates otherwise, the  
2 following terms mean:

3 (1) "Appropriate officer" or "appropriate officers", the person or persons designated  
4 in section 130.026 to receive certain required statements and reports;

5 (2) "Ballot measure" or "measure", any proposal submitted or intended to be  
6 submitted to qualified voters for their approval or rejection, including any proposal submitted  
7 by initiative petition, referendum petition, or by the general assembly or any local  
8 governmental body having authority to refer proposals to the voter;

9 (3) "Candidate", an individual who seeks nomination or election to public office. The  
10 term "candidate" includes an elected officeholder who is the subject of a recall election, an  
11 individual who seeks nomination by the individual's political party for election to public  
12 office, an individual standing for retention in an election to an office to which the individual  
13 was previously appointed, an individual who seeks nomination or election whether or not the  
14 specific elective public office to be sought has been finally determined by such individual at  
15 the time the individual meets the conditions described in paragraph (a) or (b) of this  
16 subdivision, and an individual who is a write-in candidate as defined in subdivision (28) of  
17 this section. A candidate shall be deemed to seek nomination or election when the person  
18 first:

19 (a) Receives contributions or makes expenditures or reserves space or facilities with  
20 intent to promote the person's candidacy for office; or

21 (b) Knows or has reason to know that contributions are being received or  
22 expenditures are being made or space or facilities are being reserved with the intent to  
23 promote the person's candidacy for office; except that, such individual shall not be deemed a



24 candidate if the person files a statement with the appropriate officer within five days after  
25 learning of the receipt of contributions, the making of expenditures, or the reservation of  
26 space or facilities disavowing the candidacy and stating that the person will not accept  
27 nomination or take office if elected; provided that, if the election at which such individual is  
28 supported as a candidate is to take place within five days after the person's learning of the  
29 above-specified activities, the individual shall file the statement disavowing the candidacy  
30 within one day; or

31 (c) Announces or files a declaration of candidacy for office;

32 (4) "Cash", currency, coin, United States postage stamps, or any negotiable  
33 instrument which can be transferred from one person to another person without the signature  
34 or endorsement of the transferor;

35 (5) "Check", a check drawn on a state or federal bank, or a draft on a negotiable order  
36 of withdrawal account in a savings and loan association or a share draft account in a credit  
37 union;

38 (6) "Closing date", the date through which a statement or report is required to be  
39 complete;

40 (7) "Committee", a person or any combination of persons, who accepts contributions  
41 or makes expenditures for the primary or incidental purpose of influencing or attempting to  
42 influence the action of voters for or against the nomination or election to public office of one  
43 or more candidates or the qualification, passage or defeat of any ballot measure or for the  
44 purpose of paying a previously incurred campaign debt or obligation of a candidate or the  
45 debts or obligations of a committee or for the purpose of contributing funds to another  
46 committee:

47 (a) "Committee", does not include:

48 a. A person or combination of persons, if neither the aggregate of expenditures made  
49 nor the aggregate of contributions received during a calendar year exceeds five hundred  
50 dollars and if no single contributor has contributed more than two hundred fifty dollars of  
51 such aggregate contributions;

52 b. An individual, other than a candidate, who accepts no contributions and who deals  
53 only with the individual's own funds or property;

54 c. A corporation, cooperative association, partnership, proprietorship, or joint venture  
55 organized or operated for a primary or principal purpose other than that of influencing or  
56 attempting to influence the action of voters for or against the nomination or election to public  
57 office of one or more candidates or the qualification, passage or defeat of any ballot measure,  
58 and it accepts no contributions, and all expenditures it makes are from its own funds or  
59 property obtained in the usual course of business or in any commercial or other transaction  
60 and which are not contributions as defined by subdivision (12) of this section;

61 d. A labor organization organized or operated for a primary or principal purpose other  
62 than that of influencing or attempting to influence the action of voters for or against the  
63 nomination or election to public office of one or more candidates, or the qualification,  
64 passage, or defeat of any ballot measure, and it accepts no contributions, and expenditures  
65 made by the organization are from its own funds or property received from membership dues  
66 or membership fees which were given or solicited for the purpose of supporting the normal  
67 and usual activities and functions of the organization and which are not contributions as  
68 defined by subdivision (12) of this section;

69 e. A person who acts as an authorized agent for a committee in soliciting or receiving  
70 contributions or in making expenditures or incurring indebtedness on behalf of the committee  
71 if such person renders to the committee treasurer or deputy treasurer or candidate, if  
72 applicable, an accurate account of each receipt or other transaction in the detail required by  
73 the treasurer to comply with all record-keeping and reporting requirements of this chapter;

74 f. Any department, agency, board, institution or other entity of the state or any of its  
75 subdivisions or any officer or employee thereof, acting in the person's official capacity;

76 (b) The term "committee" includes, but is not limited to, each of the following  
77 committees: campaign committee, candidate committee, continuing committee and political  
78 party committee;

79 (8) "Campaign committee", a committee, other than a candidate committee, which  
80 shall be formed by an individual or group of individuals to receive contributions or make  
81 expenditures and whose sole purpose is to support or oppose the qualification and passage of  
82 one or more particular ballot measures in an election or the retention of judges under the  
83 nonpartisan court plan, such committee shall be formed no later than thirty days prior to the  
84 election for which the committee receives contributions or makes expenditures, and which  
85 shall terminate the later of either thirty days after the general election or upon the satisfaction  
86 of all committee debt after the general election, except that no committee retiring debt shall  
87 engage in any other activities in support of a measure for which the committee was formed;

88 (9) "Candidate committee", a committee which shall be formed by a candidate to  
89 receive contributions or make expenditures in behalf of the person's candidacy and which  
90 shall continue in existence for use by an elected candidate or which shall terminate the later of  
91 either thirty days after the general election for a candidate who was not elected or upon the  
92 satisfaction of all committee debt after the election, except that no committee retiring debt  
93 shall engage in any other activities in support of the candidate for which the committee was  
94 formed. Any candidate for elective office shall have only one candidate committee for the  
95 elective office sought, which is controlled directly by the candidate for the purpose of making  
96 expenditures. A candidate committee is presumed to be under the control and direction of the

97 candidate unless the candidate files an affidavit with the appropriate officer stating that the  
98 committee is acting without control or direction on the candidate's part;

99 (10) "Continuing committee", a committee of continuing existence which is not  
100 formed, controlled or directed by a candidate, and is a committee other than a candidate  
101 committee or campaign committee, whose primary or incidental purpose is to receive  
102 contributions or make expenditures to influence or attempt to influence the action of voters  
103 whether or not a particular candidate or candidates or a particular ballot measure or measures  
104 to be supported or opposed has been determined at the time the committee is required to file  
105 any statement or report pursuant to the provisions of this chapter. "Continuing committee"  
106 includes, but is not limited to, any committee organized or sponsored by a business entity, a  
107 labor organization, a professional association, a trade or business association, a club or other  
108 organization and whose primary purpose is to solicit, accept and use contributions from the  
109 members, employees or stockholders of such entity and any individual or group of individuals  
110 who accept and use contributions to influence or attempt to influence the action of voters.  
111 Such committee shall be formed no later than sixty days prior to the election for which the  
112 committee receives contributions or makes expenditures;

113 (11) "Connected organization", any organization such as a corporation, a labor  
114 organization, a membership organization, a cooperative, or trade or professional association  
115 which expends funds or provides services or facilities to establish, administer or maintain a  
116 committee or to solicit contributions to a committee from its members, officers, directors,  
117 employees or security holders. An organization shall be deemed to be the connected  
118 organization if more than fifty percent of the persons making contributions to the committee  
119 during the current calendar year are members, officers, directors, employees or security  
120 holders of such organization or their spouses;

121 (12) "Contribution", a payment, gift, loan, advance, deposit, or donation of money or  
122 anything of value for the purpose of supporting or opposing the nomination or election of any  
123 candidate for public office or the qualification, passage or defeat of any ballot measure, or for  
124 the support of any committee supporting or opposing candidates or ballot measures or for  
125 paying debts or obligations of any candidate or committee previously incurred for the above  
126 purposes. A contribution of anything of value shall be deemed to have a money value  
127 equivalent to the fair market value. "Contribution" includes, but is not limited to:

128 (a) A candidate's own money or property used in support of the person's candidacy  
129 other than expense of the candidate's food, lodging, travel, and payment of any fee necessary  
130 to the filing for public office;

131 (b) Payment by any person, other than a candidate or committee, to compensate  
132 another person for services rendered to that candidate or committee;

133 (c) Receipts from the sale of goods and services, including the sale of advertising  
134 space in a brochure, booklet, program or pamphlet of a candidate or committee and the sale of  
135 tickets or political merchandise;

136 (d) Receipts from fund-raising events including testimonial affairs;

137 (e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or  
138 other obligation by a third party, or payment of a loan or debt or other obligation by a third  
139 party if the loan or debt or other obligation was contracted, used, or intended, in whole or in  
140 part, for use in an election campaign or used or intended for the payment of such debts or  
141 obligations of a candidate or committee previously incurred, or which was made or received  
142 by a committee;

143 (f) Funds received by a committee which are transferred to such committee from  
144 another committee or other source, except funds received by a candidate committee as a  
145 transfer of funds from another candidate committee controlled by the same candidate but such  
146 transfer shall be included in the disclosure reports;

147 (g) Facilities, office space or equipment supplied by any person to a candidate or  
148 committee without charge or at reduced charges, except gratuitous space for meeting  
149 purposes which is made available regularly to the public, including other candidates or  
150 committees, on an equal basis for similar purposes on the same conditions;

151 (h) The direct or indirect payment by any person, other than a connected organization,  
152 of the costs of establishing, administering, or maintaining a committee, including legal,  
153 accounting and computer services, fund raising and solicitation of contributions for a  
154 committee;

155 (i) "Contribution" does not include:

156 a. Ordinary home hospitality or services provided without compensation by  
157 individuals volunteering their time in support of or in opposition to a candidate, committee or  
158 ballot measure, nor the necessary and ordinary personal expenses of such volunteers  
159 incidental to the performance of voluntary activities, so long as no compensation is directly or  
160 indirectly asked or given;

161 b. An offer or tender of a contribution which is expressly and unconditionally rejected  
162 and returned to the donor within ten business days after receipt or transmitted to the state  
163 treasurer;

164 c. Interest earned on deposit of committee funds;

165 d. The costs incurred by any connected organization listed pursuant to subdivision (4)  
166 of subsection 5 of section 130.021 for establishing, administering or maintaining a committee,  
167 or for the solicitation of contributions to a committee which solicitation is solely directed or  
168 related to the members, officers, directors, employees or security holders of the connected  
169 organization;

170 (13) "County", any one of the several counties of this state or the city of St. Louis;

171 (14) "Disclosure report", an itemized report of receipts, expenditures and incurred  
172 indebtedness which is prepared on forms approved by the Missouri ethics commission and  
173 filed at the times and places prescribed;

174 (15) "Election", any primary, general or special election held to nominate or elect an  
175 individual to public office, to retain or recall an elected officeholder or to submit a ballot  
176 measure to the voters, and any caucus or other meeting of a political party or a political party  
177 committee at which that party's candidate or candidates for public office are officially  
178 selected. A primary election and the succeeding general election shall be considered separate  
179 elections;

180 (16) **"Electronic means", any instrument, device, or service that facilitates an**  
181 **electronic withdrawal of funds from a bank account including, but not limited to, credit**  
182 **cards, debit cards, and the presentation of a credit or debit card account number;**

183 (17) "Expenditure", a payment, advance, conveyance, deposit, donation or  
184 contribution of money or anything of value for the purpose of supporting or opposing the  
185 nomination or election of any candidate for public office or the qualification or passage of any  
186 ballot measure or for the support of any committee which in turn supports or opposes any  
187 candidate or ballot measure or for the purpose of paying a previously incurred campaign debt  
188 or obligation of a candidate or the debts or obligations of a committee; a payment, or an  
189 agreement or promise to pay, money or anything of value, including a candidate's own money  
190 or property, for the purchase of goods, services, property, facilities or anything of value for  
191 the purpose of supporting or opposing the nomination or election of any candidate for public  
192 office or the qualification or passage of any ballot measure or for the support of any  
193 committee which in turn supports or opposes any candidate or ballot measure or for the  
194 purpose of paying a previously incurred campaign debt or obligation of a candidate or the  
195 debts or obligations of a committee. An expenditure of anything of value shall be deemed to  
196 have a money value equivalent to the fair market value. "Expenditure" includes, but is not  
197 limited to:

198 (a) Payment by anyone other than a committee for services of another person  
199 rendered to such committee;

200 (b) The purchase of tickets, goods, services or political merchandise in connection  
201 with any testimonial affair or fund-raising event of or for candidates or committees, or the  
202 purchase of advertising in a brochure, booklet, program or pamphlet of a candidate or  
203 committee;

204 (c) The transfer of funds by one committee to another committee;

205 (d) The direct or indirect payment by any person, other than a connected organization  
206 for a committee, of the costs of establishing, administering or maintaining a committee,

207 including legal, accounting and computer services, fund raising and solicitation of  
208 contributions for a committee; but

209 (e) "Expenditure" does not include:

210 a. Any news story, commentary or editorial which is broadcast or published by any  
211 broadcasting station, newspaper, magazine or other periodical without charge to the candidate  
212 or to any person supporting or opposing a candidate or ballot measure;

213 b. The internal dissemination by any membership organization, proprietorship, labor  
214 organization, corporation, association or other entity of information advocating the election or  
215 defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to  
216 its directors, officers, members, employees or security holders, provided that the cost incurred  
217 is reported pursuant to subsection 2 of section 130.051;

218 c. Repayment of a loan, but such repayment shall be indicated in required reports;

219 d. The rendering of voluntary personal services by an individual of the sort  
220 commonly performed by volunteer campaign workers and the payment by such individual of  
221 the individual's necessary and ordinary personal expenses incidental to such volunteer  
222 activity, provided no compensation is, directly or indirectly, asked or given;

223 e. The costs incurred by any connected organization listed pursuant to subdivision (4)  
224 of subsection 5 of section 130.021 for establishing, administering or maintaining a committee,  
225 or for the solicitation of contributions to a committee which solicitation is solely directed or  
226 related to the members, officers, directors, employees or security holders of the connected  
227 organization;

228 f. The use of a candidate's own money or property for expense of the candidate's  
229 personal food, lodging, travel, and payment of any fee necessary to the filing for public office,  
230 if such expense is not reimbursed to the candidate from any source;

231 ~~[(17)]~~ **(18)** "Exploratory committees", a committee which shall be formed by an  
232 individual to receive contributions and make expenditures on behalf of this individual in  
233 determining whether or not the individual seeks elective office. Such committee shall  
234 terminate no later than December thirty-first of the year prior to the general election for the  
235 possible office;

236 ~~[(18)]~~ **(19)** "Fund-raising event", an event such as a dinner, luncheon, reception,  
237 coffee, testimonial, rally, auction or similar affair through which contributions are solicited or  
238 received by such means as the purchase of tickets, payment of attendance fees, donations for  
239 prizes or through the purchase of goods, services or political merchandise;

240 ~~[(19)]~~ **(20)** "In-kind contribution" or "in-kind expenditure", a contribution or  
241 expenditure in a form other than money;

242 ~~[(20)]~~ **(21)** "Labor organization", any organization of any kind, or any agency or  
243 employee representation committee or plan, in which employees participate and which exists

244 for the purpose, in whole or in part, of dealing with employers concerning grievances, labor  
245 disputes, wages, rates of pay, hours of employment, or conditions of work;

246 ~~[(21)]~~ **(22)** "Loan", a transfer of money, property or anything of ascertainable  
247 monetary value in exchange for an obligation, conditional or not, to repay in whole or in part  
248 and which was contracted, used, or intended for use in an election campaign, or which was  
249 made or received by a committee or which was contracted, used, or intended to pay  
250 previously incurred campaign debts or obligations of a candidate or the debts or obligations of  
251 a committee;

252 ~~[(22)]~~ **(23)** "Person", an individual, group of individuals, corporation, partnership,  
253 committee, proprietorship, joint venture, any department, agency, board, institution or other  
254 entity of the state or any of its political subdivisions, union, labor organization, trade or  
255 professional or business association, association, political party or any executive committee  
256 thereof, or any other club or organization however constituted or any officer or employee of  
257 such entity acting in the person's official capacity;

258 ~~[(23)]~~ **(24)** "Political merchandise", goods such as bumper stickers, pins, hats, ties,  
259 jewelry, literature, or other items sold or distributed at a fund-raising event or to the general  
260 public for publicity or for the purpose of raising funds to be used in supporting or opposing a  
261 candidate for nomination or election or in supporting or opposing the qualification, passage or  
262 defeat of a ballot measure;

263 ~~[(24)]~~ **(25)** "Political party", a political party which has the right under law to have the  
264 names of its candidates listed on the ballot in a general election;

265 ~~[(25)]~~ **(26)** "Political party committee", a state, district, county, city, or area  
266 committee of a political party, as defined in section 115.603, which may be organized as a  
267 not-for-profit corporation under Missouri law, and which committee is of continuing  
268 existence, and has the primary or incidental purpose of receiving contributions and making  
269 expenditures to influence or attempt to influence the action of voters on behalf of the political  
270 party;

271 ~~[(26)]~~ **(27)** "Public office" or "office", any state, judicial, county, municipal, school or  
272 other district, ward, township, or other political subdivision office or any political party office  
273 which is filled by a vote of registered voters;

274 ~~[(27)]~~ **(28)** "Regular session", includes that period beginning on the first Wednesday  
275 after the first Monday in January and ending following the first Friday after the second  
276 Monday in May;

277 ~~[(28)]~~ **(29)** "Write-in candidate", an individual whose name is not printed on the  
278 ballot but who otherwise meets the definition of candidate in subdivision (3) of this section.

130.021. 1. Every committee shall have a treasurer who, except as provided in  
2 subsection 10 of this section, shall be a resident of this state and reside in the district or county

3 in which the committee sits. A committee may also have a deputy treasurer who, except as  
4 provided in subsection 10 of this section, shall be a resident of this state and reside in the  
5 district or county in which the committee sits, to serve in the capacity of committee treasurer  
6 in the event the committee treasurer is unable for any reason to perform the treasurer's duties.

7         2. Every candidate for offices listed in subsection 1 of section 130.016 who has not  
8 filed a statement of exemption pursuant to that subsection and every candidate for offices  
9 listed in subsection 6 of section 130.016 who is not excluded from filing a statement of  
10 organization and disclosure reports pursuant to subsection 6 of section 130.016 shall form a  
11 candidate committee and appoint a treasurer. Thereafter, all contributions on hand and all  
12 further contributions received by such candidate and any of the candidate's own funds to be  
13 used in support of the person's candidacy shall be deposited in a candidate committee  
14 depository account established pursuant to the provisions of subsection 4 of this section, and  
15 all expenditures shall be made through the candidate, treasurer or deputy treasurer of the  
16 person's candidate committee. Nothing in this chapter shall prevent a candidate from  
17 appointing himself or herself as a committee of one and serving as the person's own treasurer,  
18 maintaining the candidate's own records and filing all the reports and statements required to  
19 be filed by the treasurer of a candidate committee.

20         3. A candidate who has more than one candidate committee supporting the person's  
21 candidacy shall designate one of those candidate committees as the committee responsible for  
22 consolidating the aggregate contributions to all such committees under the candidate's control  
23 and direction as required by section 130.041.

24         4. (1) Every committee shall have a single official fund depository within this state  
25 which shall be a federally or state-chartered bank, a federally or state-chartered savings and  
26 loan association, or a federally or state-chartered credit union in which the committee shall  
27 open and thereafter maintain at least one official depository account in its own name. An  
28 "official depository account" shall be a checking account or some type of negotiable draft or  
29 negotiable order of withdrawal account, and the official fund depository shall, regarding an  
30 official depository account, be a type of financial institution which provides a record of  
31 deposits, cancelled checks or other cancelled instruments of withdrawal evidencing each  
32 transaction by maintaining copies within this state of such instruments and other transactions.  
33 All contributions which the committee receives in money, checks and other negotiable  
34 instruments shall be deposited in a committee's official depository account. Contributions  
35 shall not be accepted and expenditures shall not be made by a committee except by or through  
36 an official depository account and the committee treasurer, deputy treasurer or candidate;  
37 **however, a committee may utilize a credit card or debit card in the name of the**  
38 **committee when authorized by the treasurer, deputy treasurer, or candidate, provided**  
39 **that all expenditures made by the committee through a credit card are paid through the**



40 **official depository account.** Contributions received by a committee shall not be commingled  
41 with any funds of an agent of the committee, a candidate or any other person, except that  
42 contributions from a candidate of the candidate's own funds to the person's candidate  
43 committee shall be deposited to an official depository account of the person's candidate  
44 committee. No expenditure shall be made by a committee when the office of committee  
45 treasurer is vacant except that when the office of a candidate committee treasurer is vacant,  
46 the candidate shall be the treasurer until the candidate appoints a new treasurer.

47 (2) A committee treasurer, deputy treasurer or candidate may withdraw funds from a  
48 committee's official depository account and deposit such funds in one or more savings  
49 accounts in the committee's name in any bank, savings and loan association or credit union  
50 within this state, and may also withdraw funds from an official depository account for  
51 investment in the committee's name in any certificate of deposit, bond or security. Proceeds  
52 from interest or dividends from a savings account or other investment or proceeds from  
53 withdrawals from a savings account or from the sale of an investment shall not be expended  
54 or reinvested, except in the case of renewals of certificates of deposit, without first  
55 redepositing such proceeds in an official depository account. Investments, other than savings  
56 accounts, held outside the committee's official depository account at any time during a  
57 reporting period shall be disclosed by description, amount, any identifying numbers and the  
58 name and address of any institution or person in which or through which it is held in an  
59 attachment to disclosure reports the committee is required to file. Proceeds from an  
60 investment such as interest or dividends or proceeds from its sale, shall be reported by date  
61 and amount. In the case of the sale of an investment, the names and addresses of the persons  
62 involved in the transaction shall also be stated. Funds held in savings accounts and  
63 investments, including interest earned, shall be included in the report of money on hand as  
64 required by section 130.041.

65 (3) Notwithstanding any other provision of law to the contrary, funds held in  
66 candidate committees, campaign committees, debt service committees, and exploratory  
67 committees shall be liquid such that these funds shall be readily available for the specific and  
68 limited purposes allowed by law. These funds may be invested only in short-term treasury  
69 instruments or short-term bank certificates with durations of one year or less, or that allow the  
70 removal of funds at any time without any additional financial penalty other than the loss of  
71 interest income. Continuing committees, political party committees, and other committees  
72 such as out-of-state committees not formed for the benefit of any single candidate or ballot  
73 issue shall not be subject to the provisions of this subdivision. This subdivision shall not be  
74 interpreted to restrict the placement of funds in an interest-bearing checking account.

75 5. The treasurer or deputy treasurer acting on behalf of any person or organization or  
76 group of persons which is a committee by virtue of the definitions of committee in section

77 130.011 and any candidate who is not excluded from forming a committee in accordance with  
78 the provisions of section 130.016 shall file a statement of organization with the appropriate  
79 officer within twenty days after the person or organization becomes a committee but no later  
80 than the date for filing the first report required pursuant to the provisions of section 130.046.  
81 The statement of organization shall contain the following information:

82 (1) The name, mailing address and telephone number, if any, of the committee filing  
83 the statement of organization. If the committee is deemed to be affiliated with a connected  
84 organization as provided in subdivision (11) of section 130.011, the name of the connected  
85 organization, or a legally registered fictitious name which reasonably identifies the connected  
86 organization, shall appear in the name of the committee. If the committee is a candidate  
87 committee, the name of the candidate shall be a part of the committee's name;

88 (2) The name, mailing address and telephone number of the candidate;

89 (3) The name, mailing address and telephone number of the committee treasurer, and  
90 the name, mailing address and telephone number of its deputy treasurer if the committee has  
91 named a deputy treasurer;

92 (4) ~~The names, mailing addresses and titles of its officers, if any;~~

93 ~~(5)~~ The name and mailing address of any connected organizations with which the  
94 committee is affiliated;

95 **(5) The names, mailing addresses, and titles of its officers, if any;**

96 (6) The name and mailing address of its depository, ~~and~~ the name and account  
97 number of each account the committee has in the depository, **and the account number and**  
98 **issuer of any credit card in the committee's name.** The account number of each account  
99 shall be redacted prior to disclosing the statement to the public;

100 (7) Identification of the major nature of the committee such as a candidate committee,  
101 campaign committee, continuing committee, political party committee, incumbent committee,  
102 or any other committee according to the definition of committee in section 130.011;

103 (8) In the case of the candidate committee designated in subsection 3 of this section,  
104 the full name and address of each other candidate committee which is under the control and  
105 direction of the same candidate, together with the name, address and telephone number of the  
106 treasurer of each such other committee;

107 (9) The name and office sought of each candidate supported or opposed by the  
108 committee;

109 (10) The ballot measure concerned, if any, and whether the committee is in favor of or  
110 opposed to such measure.

111 6. A committee may omit the information required in subdivisions (9) and (10) of  
112 subsection 5 of this section if, on the date on which it is required to file a statement of

113 organization, the committee has not yet determined the particular candidates or particular  
114 ballot measures it will support or oppose.

115         7. A committee which has filed a statement of organization and has not terminated  
116 shall not be required to file another statement of organization, except that when there is a  
117 change in any of the information previously reported as required by subdivisions (1) to (8) of  
118 subsection 5 of this section an amended statement of organization shall be filed within twenty  
119 days after the change occurs, but no later than the date of the filing of the next report required  
120 to be filed by that committee by section 130.046.

121         8. Upon termination of a committee, a termination statement indicating dissolution  
122 shall be filed not later than ten days after the date of dissolution with the appropriate officer or  
123 officers with whom the committee's statement of organization was filed. The termination  
124 statement shall include: the distribution made of any remaining surplus funds and the  
125 disposition of any deficits; and the name, mailing address and telephone number of the  
126 individual responsible for preserving the committee's records and accounts as required in  
127 section 130.036.

128         9. Any statement required by this section shall be signed and attested by the  
129 committee treasurer or deputy treasurer, and by the candidate in the case of a candidate  
130 committee.

131         10. A committee domiciled outside this state shall be required to file a statement of  
132 organization and appoint a treasurer residing in this state and open an account in a depository  
133 within this state; provided that either of the following conditions prevails:

134             (1) The aggregate of all contributions received from persons domiciled in this state  
135 exceeds twenty percent in total dollar amount of all funds received by the committee in the  
136 preceding twelve months; or

137             (2) The aggregate of all contributions and expenditures made to support or oppose  
138 candidates and ballot measures in this state exceeds one thousand five hundred dollars in the  
139 current calendar year.

140         11. If a committee domiciled in this state receives a contribution of one thousand five  
141 hundred dollars or more from any committee domiciled outside of this state, the committee  
142 domiciled in this state shall file a disclosure report with the commission. The report shall  
143 disclose the full name, mailing address, telephone numbers and domicile of the contributing  
144 committee and the date and amount of the contribution. The report shall be filed within forty-  
145 eight hours of the receipt of such contribution if the contribution is received after the last  
146 reporting date before the election.

147         12. Each legislative and senatorial district committee shall retain only one address in  
148 the district it sits for the purpose of receiving contributions.

130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election by a continuing committee, a campaign committee, a political party committee, an exploratory committee or a candidate committee.

2. ~~[Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained pursuant to the record-keeping requirements of section 130.036 to account for expenditures made from petty cash,]~~ Each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check **signed by the committee treasurer, deputy treasurer, or candidate or by other electronic means authorized by the treasurer, deputy treasurer, or candidate** and drawn on the committee's depository ~~[and signed by the committee treasurer, deputy treasurer or candidate]~~ **or credit card in the name of the committee and authorized by the treasurer, deputy treasurer, or candidate**. A single expenditure ~~[from a petty]~~ of cash ~~[fund]~~ shall not exceed fifty dollars, and the aggregate of all expenditures ~~[from a petty]~~ of cash ~~[fund]~~ during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year. ~~[A check made payable to "cash" shall not be made except to replenish a petty cash fund.]~~

3. No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient and purpose of the expenditure. Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee. Any person who makes expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate such person's own name and address, the name and address of each person to whom an expenditure has been made and the amount and purpose of the expenditures the person has made for that committee.

4. No anonymous contribution of more than twenty-five dollars shall be made by any person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any candidate or committee. If any anonymous contribution of more than twenty-five dollars is received, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee treasurer or deputy treasurer shall immediately transmit that portion of the contribution which exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

38           5. The maximum aggregate amount of anonymous contributions which shall be  
39 accepted in any calendar year by any committee shall be the greater of five hundred dollars or  
40 one percent of the aggregate amount of all contributions received by that committee in the  
41 same calendar year. If any anonymous contribution is received which causes the aggregate  
42 total of anonymous contributions to exceed the foregoing limitation, it shall be returned  
43 immediately to the contributor, if the contributor's identity can be ascertained, and, if the  
44 contributor's identity cannot be ascertained, the committee treasurer, deputy treasurer or  
45 candidate shall immediately transmit the anonymous contribution to the state treasurer to  
46 escheat to the state.

47           6. Notwithstanding the provisions of subsection 5 of this section, contributions from  
48 individuals whose names and addresses cannot be ascertained which are received from a  
49 fund-raising activity or event, such as defined in section 130.011, shall not be deemed  
50 anonymous contributions, provided the following conditions are met:

51           (1) There are twenty-five or more contributing participants in the activity or event;

52           (2) The candidate, committee treasurer, deputy treasurer or the person responsible for  
53 conducting the activity or event makes an announcement that it is illegal for anyone to make  
54 or receive a contribution in excess of one hundred dollars unless the contribution is  
55 accompanied by the name and address of the contributor;

56           (3) The person responsible for conducting the activity or event does not knowingly  
57 accept payment from any single person of more than one hundred dollars unless the name and  
58 address of the person making such payment is obtained and recorded pursuant to the record-  
59 keeping requirements of section 130.036;

60           (4) A statement describing the event shall be prepared by the candidate or the  
61 treasurer of the committee for whom the funds were raised or by the person responsible for  
62 conducting the activity or event and attached to the disclosure report of contributions and  
63 expenditures required by section 130.041. The following information to be listed in the  
64 statement is in addition to, not in lieu of, the requirements elsewhere in this chapter relating to  
65 the recording and reporting of contributions and expenditures:

66           (a) The name and mailing address of the person or persons responsible for conducting  
67 the event or activity and the name and address of the candidate or committee for whom the  
68 funds were raised;

69           (b) The date on which the event occurred;

70           (c) The name and address of the location where the event occurred and the  
71 approximate number of participants in the event;

72           (d) A brief description of the type of event and the fund-raising methods used;

73           (e) The gross receipts from the event and a listing of the expenditures incident to the  
74 event;

75 (f) The total dollar amount of contributions received from the event from participants  
76 whose names and addresses were not obtained with such contributions and an explanation of  
77 why it was not possible to obtain the names and addresses of such participants;

78 (g) The total dollar amount of contributions received from contributing participants in  
79 the event who are identified by name and address in the records required to be maintained  
80 pursuant to section 130.036.

81 7. No candidate or committee in this state shall accept contributions from any out-of-  
82 state committee unless the out-of-state committee from whom the contributions are received  
83 has filed a statement of organization pursuant to section 130.021 or has filed the reports  
84 required by sections 130.049 and 130.050, whichever is applicable to that committee.

85 8. Any person publishing, circulating, or distributing any printed matter relative to  
86 any candidate for public office or any ballot measure shall on the face of the printed matter  
87 identify in a clear and conspicuous manner the person who paid for the printed matter with the  
88 words "Paid for by" followed by the proper identification of the sponsor pursuant to this  
89 section. For the purposes of this section, "printed matter" shall be defined to include any  
90 pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any  
91 newspaper or other periodical, sign, including signs for display on motor vehicles, or other  
92 imprinted or lettered material; but "printed matter" is defined to exclude materials printed and  
93 purchased prior to May 20, 1982, if the candidate or committee can document that delivery  
94 took place prior to May 20, 1982; any sign personally printed and constructed by an  
95 individual without compensation from any other person and displayed at that individual's  
96 place of residence or on that individual's personal motor vehicle; any items of personal use  
97 given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign  
98 jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate  
99 or supports or opposes a ballot measure and which is obvious in its identification with a  
100 specific candidate or committee and is reported as required by this chapter; and any news  
101 story, commentary, or editorial printed by a regularly published newspaper or other periodical  
102 without charge to a candidate, committee or any other person.

103 (1) In regard to any printed matter paid for by a candidate from the candidate's  
104 personal funds, it shall be sufficient identification to print the first and last name by which the  
105 candidate is known.

106 (2) In regard to any printed matter paid for by a committee, it shall be sufficient  
107 identification to print the name of the committee as required to be registered by subsection 5  
108 of section 130.021 and the name and title of the committee treasurer who was serving when  
109 the printed matter was paid for.

110 (3) In regard to any printed matter paid for by a corporation or other business entity,  
111 labor organization, or any other organization not defined to be a committee by subdivision (7)

112 of section 130.011 and not organized especially for influencing one or more elections, it shall  
113 be sufficient identification to print the name of the entity, the name of the principal officer of  
114 the entity, by whatever title known, and the mailing address of the entity, or if the entity has  
115 no mailing address, the mailing address of the principal officer.

116 (4) In regard to any printed matter paid for by an individual or individuals, it shall be  
117 sufficient identification to print the name of the individual or individuals and the respective  
118 mailing address or addresses, except that if more than five individuals join in paying for  
119 printed matter it shall be sufficient identification to print the words "For a list of other  
120 sponsors contact:" followed by the name and address of one such individual responsible for  
121 causing the matter to be printed, and the individual identified shall maintain a record of the  
122 names and amounts paid by other individuals and shall make such record available for review  
123 upon the request of any person. No person shall accept for publication or printing nor shall  
124 such work be completed until the printed matter is properly identified as required by this  
125 subsection.

126 9. Any broadcast station transmitting any matter relative to any candidate for public  
127 office or ballot measure as defined by this chapter shall identify the sponsor of such matter as  
128 required by federal law.

129 10. The provisions of subsection 8 or 9 of this section shall not apply to candidates for  
130 elective federal office, provided that persons causing matter to be printed or broadcast  
131 concerning such candidacies shall comply with the requirements of federal law for  
132 identification of the sponsor or sponsors.

133 11. It shall be a violation of this chapter for any person required to be identified as  
134 paying for printed matter pursuant to subsection 8 of this section or paying for broadcast  
135 matter pursuant to subsection 9 of this section to refuse to provide the information required or  
136 to purposely provide false, misleading, or incomplete information.

137 12. It shall be a violation of this chapter for any committee to offer chances to win  
138 prizes or money to persons to encourage such persons to endorse, send election material by  
139 mail, deliver election material in person or contact persons at their homes; except that, the  
140 provisions of this subsection shall not be construed to prohibit hiring and paying a campaign  
141 staff.

130.036. 1. The candidate, treasurer or deputy treasurer of a committee shall  
2 maintain accurate records and accounts on a current basis. The records and accounts shall be  
3 maintained in accordance with accepted normal bookkeeping procedures and shall contain the  
4 bills, receipts, deposit records, cancelled checks, **credit card statements, and records** and  
5 other detailed information necessary to prepare and substantiate any statement or report  
6 required to be filed pursuant to this chapter. Every person who acts as an agent for a  
7 committee in receiving contributions, making expenditures or incurring indebtedness for the

8 committee shall, on request of that committee's treasurer, deputy treasurer or candidate, but in  
9 any event within five days after any such action, render to the candidate, committee treasurer  
10 or deputy treasurer a detailed account thereof, including names, addresses, dates, exact  
11 amounts and any other details required by the candidate, treasurer or deputy treasurer to  
12 comply with this chapter. Notwithstanding the provisions of subsection 4 of section 130.021  
13 prohibiting commingling of funds, an individual, trade or professional association, business  
14 entity, or labor organization which acts as an agent for a committee in receiving contributions  
15 may deposit contributions received on behalf of the committee to the agent's account within a  
16 financial institution within this state, for purposes of facilitating transmittal of the  
17 contributions to the candidate, committee treasurer or deputy treasurer. Such contributions  
18 shall not be held in the agent's account for more than five days after the date the contribution  
19 was received by the agent, and shall not be transferred to the account of any other agent or  
20 person, other than the committee treasurer.

21 2. Unless a contribution is rejected by the candidate or committee and returned to the  
22 donor or transmitted to the state treasurer within ten business days after its receipt, it shall be  
23 considered received and accepted on the date received, notwithstanding the fact that it was  
24 not deposited by the closing date of a reporting period.

25 3. Notwithstanding the provisions of section 130.041 that only contributors of more  
26 than one hundred dollars shall be reported by name and address for all committees, the  
27 committee's records shall contain a listing of each contribution received by the committee,  
28 including those accepted and those which are rejected and either returned to the donor or  
29 transmitted to the state treasurer. Each contribution, regardless of the amount, shall be  
30 recorded by date received, name and address of the contributor and the amount of the  
31 contribution, except that any contributions from unidentifiable persons which are received  
32 through fund-raising activities and events as permitted in subsection 6 of section 130.031  
33 shall be recorded to show the dates and amounts of all such contributions received together  
34 with information contained in statements required by subsection 6 of section 130.031. The  
35 procedure for recording contributions shall be of a type which enables the candidate,  
36 committee treasurer or deputy treasurer to maintain a continuing total of all contributions  
37 received from any one contributor.

38 4. ~~[Notwithstanding the provisions of section 130.041 that certain expenditures need~~  
39 ~~not be identified in reports by name and address of the payee,]~~ The committee's records shall  
40 include a listing of each expenditure made and each contract, promise or agreement to make  
41 an expenditure, showing the date and amount of each transaction, the name and address of the  
42 person to whom the expenditure was made or promised, and the purpose of each expenditure  
43 made or promised.



44           5. In the case of a committee which makes expenditures for both the support or  
45 opposition of any candidate and the passage or defeat of a ballot measure, the committee  
46 treasurer shall maintain records segregated according to each candidate or measure for which  
47 the expenditures were made.

48           6. Records shall indicate which transactions, either contributions received or  
49 expenditures made, were cash transactions or in-kind transactions.

50           7. Any candidate who, pursuant to section 130.016, is exempt from the requirements  
51 to form a committee shall maintain records of each contribution received or expenditure made  
52 in support of his candidacy. Any other person or combination of persons who, although not  
53 deemed to be a committee according to the definition of the term "committee" in section  
54 130.011, accepts contributions or makes expenditures, other than direct contributions from the  
55 person's own funds, for the purpose of supporting or opposing the election or defeat of any  
56 candidate or for the purpose of supporting or opposing the qualifications, passage or defeat of  
57 any ballot measure shall maintain records of each contribution received or expenditure made.  
58 The records shall include name, address and amount pertaining to each contribution received  
59 or expenditure made and any bills, receipts, cancelled checks or other documents relating to  
60 each transaction.

61           8. All records and accounts of receipts and expenditures shall be preserved for at least  
62 three years after the date of the election to which the records pertain. Records and accounts  
63 regarding supplemental disclosure reports or reports not required pursuant to an election shall  
64 be preserved for at least three years after the date of the report to which the records pertain.  
65 Such records shall be available for inspection by the [~~campaign finance review board~~]  
66 **Missouri ethics commission** and its duly authorized representatives.

130.041. 1. Except as provided in subsection 5 of section 130.016, the candidate, if  
2 applicable, treasurer or deputy treasurer of every committee which is required to file a  
3 statement of organization, shall file a legibly printed or typed disclosure report of receipts and  
4 expenditures. The reports shall be filed with the appropriate officer designated in section  
5 130.026 at the times and for the periods prescribed in section 130.046. Except as provided in  
6 sections 130.049 and 130.050, each report shall set forth:

7           (1) The full name, as required in the statement of organization pursuant to subsection  
8 5 of section 130.021, and mailing address of the committee filing the report and the full name,  
9 mailing address and telephone number of the committee's treasurer and deputy treasurer if the  
10 committee has named a deputy treasurer;

11           (2) The amount of money, including cash on hand at the beginning of the reporting  
12 period;

13           (3) Receipts for the period, including:

14 (a) Total amount of all monetary contributions received which can be identified in the  
15 committee's records by name and address of each contributor. In addition, the candidate  
16 committee shall make a reasonable effort to obtain and report the employer, or occupation if  
17 self-employed or notation of retirement, of each person from whom the committee received  
18 one or more contributions which in the aggregate total in excess of one hundred dollars and  
19 shall make a reasonable effort to obtain and report a description of any contractual  
20 relationship over five hundred dollars between the contributor and the state if the candidate is  
21 seeking election to a state office or between the contributor and any political subdivision of  
22 the state if the candidate is seeking election to another political subdivision of the state;

23 (b) Total amount of all anonymous contributions accepted;

24 (c) Total amount of all monetary contributions received through fund-raising events  
25 or activities from participants whose names and addresses were not obtained with such  
26 contributions, with an attached statement or copy of the statement describing each fund-  
27 raising event as required in subsection 6 of section 130.031;

28 (d) Total dollar value of all in-kind contributions received;

29 (e) A separate listing by name and address and employer, or occupation if self-  
30 employed or notation of retirement, of each person from whom the committee received  
31 contributions, in money or any other thing of value, aggregating more than one hundred  
32 dollars, together with the date and amount of each such contribution;

33 (f) A listing of each loan received by name and address of the lender and date and  
34 amount of the loan. For each loan of more than one hundred dollars, a separate statement  
35 shall be attached setting forth the name and address of the lender and each person liable  
36 directly, indirectly or contingently, and the date, amount and terms of the loan;

37 (4) Expenditures for the period, including:

38 (a) The total dollar amount of expenditures made by check drawn on the committee's  
39 depository;

40 (b) The total dollar amount of expenditures made in cash;

41 (c) The total dollar value of all in-kind expenditures made;

42 (d) **The total dollar amount of expenditures made via electronic means;**

43 (e) The full name and mailing address of each person to whom an expenditure of  
44 money or any other thing of value in the amount of more than one hundred dollars has been  
45 made, contracted for or incurred, together with the date, amount and purpose of each  
46 expenditure. Expenditures of one hundred dollars or less may be grouped and listed by  
47 categories of expenditure showing the total dollar amount of expenditures in each category,  
48 except that the report shall contain an itemized listing of each payment made to campaign  
49 workers by name, address, date, amount and purpose of each payment and the aggregate  
50 amount paid to each such worker;

51           ~~[(e)]~~ (f) A list of each loan made, by name and mailing address of the person  
52 receiving the loan, together with the amount, terms and date;

53           (5) The total amount of cash on hand as of the closing date of the reporting period  
54 covered, including amounts in depository accounts and in petty cash fund;

55           (6) The total amount of outstanding indebtedness as of the closing date of the  
56 reporting period covered;

57           (7) The amount of expenditures for or against a candidate or ballot measure during  
58 the period covered and the cumulative amount of expenditures for or against that candidate or  
59 ballot measure, with each candidate being listed by name, mailing address and office sought.  
60 For the purpose of disclosure reports, expenditures made in support of more than one  
61 candidate or ballot measure or both shall be apportioned reasonably among the candidates or  
62 ballot measure or both. In apportioning expenditures to each candidate or ballot measure,  
63 political party committees and continuing committees need not include expenditures for  
64 maintaining a permanent office, such as expenditures for salaries of regular staff, office  
65 facilities and equipment or other expenditures not designed to support or oppose any  
66 particular candidates or ballot measures; however, all such expenditures shall be listed  
67 pursuant to subdivision (4) of this subsection;

68           (8) A separate listing by full name and address of any committee including a  
69 candidate committee controlled by the same candidate for which a transfer of funds or a  
70 contribution in any amount has been made during the reporting period, together with the date  
71 and amount of each such transfer or contribution;

72           (9) A separate listing by full name and address of any committee, including a  
73 candidate committee controlled by the same candidate from which a transfer of funds or a  
74 contribution in any amount has been received during the reporting period, together with the  
75 date and amount of each such transfer or contribution;

76           (10) Each committee that receives a contribution which is restricted or designated in  
77 whole or in part by the contributor for transfer to a particular candidate, committee or other  
78 person shall include a statement of the name and address of that contributor in the next  
79 disclosure report required to be filed after receipt of such contribution, together with the date  
80 and amount of any such contribution which was so restricted or designated by that  
81 contributor, together with the name of the particular candidate or committee to whom such  
82 contribution was so designated or restricted by that contributor and the date and amount of  
83 such contribution.

84           2. For the purpose of this section and any other section in this chapter except sections  
85 130.049 and 130.050 which requires a listing of each contributor who has contributed a  
86 specified amount, the aggregate amount shall be computed by adding all contributions  
87 received from any one person during the following periods:

88 (1) In the case of a candidate committee, the period shall begin on the date on which  
89 the candidate became a candidate according to the definition of the term "candidate" in  
90 section 130.011 and end at 11:59 p.m. on the day of the primary election, if the candidate has  
91 such an election or at 11:59 p.m. on the day of the general election. If the candidate has a  
92 general election held after a primary election, the next aggregating period shall begin at 12:00  
93 midnight on the day after the primary election day and shall close at 11:59 p.m. on the day of  
94 the general election. Except that for contributions received during the thirty-day period  
95 immediately following a primary election, the candidate shall designate whether such  
96 contribution is received as a primary election contribution or a general election contribution;

97 (2) In the case of a campaign committee, the period shall begin on the date the  
98 committee received its first contribution and end on the closing date for the period for which  
99 the report or statement is required;

100 (3) In the case of a political party committee or a continuing committee, the period  
101 shall begin on the first day of January of the year in which the report or statement is being  
102 filed and end on the closing date for the period for which the report or statement is required;  
103 except, if the report or statement is required to be filed prior to the first day of July in any  
104 given year, the period shall begin on the first day of July of the preceding year.

105 3. The disclosure report shall be signed and attested by the committee treasurer or  
106 deputy treasurer and by the candidate in case of a candidate committee.

107 4. The words "consulting or consulting services, fees, or expenses", or similar words,  
108 shall not be used to describe the purpose of a payment as required in this section. The  
109 reporting of any payment to such an independent contractor shall be on a form supplied by the  
110 appropriate officer, established by the ethics commission and shall include identification of  
111 the specific service or services provided including, but not limited to, public opinion polling,  
112 research on issues or opposition background, print or broadcast media production, print or  
113 broadcast media purchase, computer programming or data entry, direct mail production,  
114 postage, rent, utilities, phone solicitation, or fund raising, and the dollar amount prorated for  
115 each service.

**361.900. Sections 361.900 to 361.1035 shall be known and may be cited as the  
2 "Money Transmission Modernization Act of 2024".**

**361.903. Sections 361.900 to 361.1035 are designed to replace existing state  
2 money transmission laws currently codified in law and to:**

3 (1) **Ensure states may coordinate in all areas of regulation, licensing, and**  
4 **supervision to eliminate unnecessary regulatory burden and more effectively utilize**  
5 **regulator resources;**

6 (2) **Protect the public from financial crime;**

7           **(3) Standardize the types of activities that are subject to licensing or otherwise**  
8 **exempt from licensing; and**

9           **(4) Modernize safety and soundness requirements to ensure customer funds are**  
10 **protected in an environment that supports innovative and competitive business**  
11 **practices.**

**361.906. For purposes of sections 361.900 to 361.1035, the following terms shall**  
2 **mean:**

3           **(1) "Acting in concert", persons knowingly acting together with a common goal**  
4 **of jointly acquiring control of a licensee, regardless of whether under an express**  
5 **agreement;**

6           **(2) "Authorized delegate", a person that a licensee designates to engage in**  
7 **money transmission on behalf of the licensee;**

8           **(3) "Average daily money transmission liability", the amount of the licensee's**  
9 **outstanding money transmission obligations in this state at the end of each day in a**  
10 **given period of time, added together, and divided by the total number of days in the**  
11 **given period of time. For purposes of calculating average daily money transmission**  
12 **liability under sections 361.900 to 361.1035 for any licensee required to do so, the given**  
13 **period of time shall be the quarters ending March thirty-first, June thirtieth, September**  
14 **thirtieth, and December thirty-first;**

15           **(4) "Bank Secrecy Act", the Bank Secrecy Act, 31 U.S.C. Section 5311 et seq.,**  
16 **and its implementing regulations, as amended and recodified from time to time;**

17           **(5) "Closed loop stored value", stored value that is redeemable by the issuer only**  
18 **for goods or services provided by the issuer or its affiliate or franchisees of the issuer or**  
19 **its affiliate, except to the extent required by applicable law to be redeemable in cash for**  
20 **its cash value;**

21           **(6) "Control":**

22           **(a) The power to vote, directly or indirectly, at least twenty-five percent of the**  
23 **outstanding voting shares or voting interests of a licensee or person in control of a**  
24 **licensee;**

25           **(b) The power to elect or appoint a majority of key individuals or executive**  
26 **officers, managers, directors, trustees, or other persons exercising managerial authority**  
27 **of a person in control of a licensee; or**

28           **(c) The power to exercise, directly or indirectly, a controlling influence over the**  
29 **management or policies of a licensee or person in control of a licensee.**

30

31 **A person is presumed to exercise a controlling influence if the person holds the power to**  
32 **vote, directly or indirectly, at least ten percent of the outstanding voting shares or voting**

33 interests of a licensee or person in control of a licensee. A person presumed to exercise a  
34 controlling influence as defined under this subdivision can rebut the presumption of  
35 control if the person is a passive investor. For purposes of determining the percentage of  
36 a person controlled by any other person, the person's interest shall be aggregated with  
37 the interest of any other immediate family member, including the person's spouse,  
38 parents, children, siblings, mothers- and fathers-in law, sons- and daughters-in-law,  
39 brothers- and sisters-in-law, and any other person who shares such person's home;

40 (7) "Director", the director of the Missouri division of finance;

41 (8) "Eligible rating", a credit rating of any of the three highest rating categories  
42 provided by an eligible rating service. Each category may include rating category  
43 modifiers such as "plus" or "minus" for Standard and Poor's or the equivalent for any  
44 other eligible rating service;

45 (9) "Eligible rating service", any nationally recognized statistical rating  
46 organization (NRSRO) as defined by the United States Securities and Exchange  
47 Commission and any other organization designated by rule or order;

48 (10) "Federally insured depository financial institution", a bank, credit union,  
49 savings and loan association, trust company, savings association, savings bank,  
50 industrial bank, or industrial loan company organized under the laws of the United  
51 States or any state of the United States if such bank, credit union, savings and loan  
52 association, trust company, savings association, savings bank, industrial bank, or  
53 industrial loan company has federally insured deposits;

54 (11) "In this state", at a physical location within this state for a transaction  
55 requested in person. For a transaction requested electronically or by phone, the  
56 provider of money transmission may determine if the person requesting the transaction  
57 is in this state by relying on other information provided by the person regarding the  
58 location of the individual's residential address or a business entity's principal place of  
59 business or other physical address location, and any records associated with the person  
60 that the provider of money transmission may have that indicate such location including,  
61 but not limited to, an address associated with an account;

62 (12) "Individual", a natural person;

63 (13) "Key individual", any individual ultimately responsible for establishing or  
64 directing policies and procedures of the licensee, such as an executive officer, manager,  
65 director, or trustee;

66 (14) "Licensee", a person licensed under sections 361.900 to 361.1035;

67 (15) "Material litigation", litigation that, according to United States generally  
68 accepted accounting principles, is significant to a person's financial health and would be

69 required to be disclosed in the person's annual audited financial statements, report to  
70 shareholders, or similar records;

71 (16) "Monetary value", a medium of exchange, regardless of whether  
72 redeemable in money;

73 (17) "Money", a medium of exchange that is authorized or adopted by the  
74 United States or a foreign government. The term includes a monetary unit of account  
75 established by an intergovernmental organization or by agreement between two or more  
76 governments;

77 (18) "Money transmission", any of the following:

78 (a) Selling or issuing payment instruments to a person located in this state;

79 (b) Selling or issuing stored value to a person located in this state; or

80 (c) Receiving money for transmission from a person located in this state.

81

82 The term includes payroll processing services. The term does not include the provision  
83 solely of online or telecommunications services or network access;

84 (19) "Multistate licensing process", any agreement entered into by and among  
85 state regulators relating to coordinated processing of applications for money  
86 transmission licenses, applications for the acquisition of control of a licensee, control  
87 determinations, or notice and information requirements for a change of key individuals;

88 (20) "NMLS", the Nationwide Multistate Licensing System and Registry  
89 developed by the Conference of State Bank Supervisors and the American Association  
90 of Residential Mortgage Regulators and owned and operated by the State Regulatory  
91 Registry LLC or any successor or affiliated entity for the licensing and registration of  
92 persons in financial services industries;

93 (21) "Outstanding money transmission obligations":

94 (a) Any payment instrument or stored value issued or sold by the licensee to a  
95 person located in the United States or reported as sold by an authorized delegate of the  
96 licensee to a person that is located in the United States that has not yet been paid or  
97 refunded by or for the licensee or escheated in accordance with applicable abandoned  
98 property laws; or

99 (b) Any money received for transmission by the licensee or an authorized  
100 delegate in the United States from a person located in the United States that has not  
101 been received by the payee or refunded to the sender, or escheated in accordance with  
102 applicable abandoned property laws.

103

104 For purposes of this subdivision, "in the United States" shall include, to the extent  
105 applicable, a person in any state, territory, or possession of the United States; the

106 **District of Columbia; the Commonwealth of Puerto Rico; or a U.S. military installation**  
107 **that is located in a foreign country;**

108 **(22) "Passive investor", a person that:**

109 **(a) Does not have the power to elect a majority of key individuals or executive**  
110 **officers, managers, directors, trustees, or other persons exercising managerial authority**  
111 **of a person in control of a licensee;**

112 **(b) Is not employed by and does not have any managerial duties of the licensee**  
113 **or person in control of a licensee;**

114 **(c) Does not have the power to exercise, directly or indirectly, a controlling**  
115 **influence over the management or policies of a licensee or person in control of a licensee;**  
116 **and**

117 **(d) Either:**

118 **a. Attests to paragraphs (a), (b), and (c) of this subdivision, in a form and in a**  
119 **medium prescribed by the director; or**

120 **b. Commits to the passivity characteristics of paragraphs (a), (b), and (c) of this**  
121 **subdivision in a written document;**

122 **(23) "Payment instrument", a written or electronic check, draft, money order,**  
123 **traveler's check, or other written or electronic instrument for the transmission or**  
124 **payment of money or monetary value, regardless of whether negotiable. The term does**  
125 **not include stored value or any instrument that:**

126 **(a) Is redeemable by the issuer only for goods or services provided by the issuer**  
127 **or its affiliate or franchisees of the issuer or its affiliate, except to the extent required by**  
128 **applicable law to be redeemable in cash for its cash value; or**

129 **(b) Is not sold to the public but issued and distributed as part of a loyalty,**  
130 **rewards, or promotional program;**

131 **(24) "Payroll processing services", receiving money for transmission under a**  
132 **contract with a person to deliver wages or salaries, make payment of payroll taxes to**  
133 **state and federal agencies, make payments relating to employee benefit plans, or make**  
134 **distributions of other authorized deductions from wages or salaries. The term does not**  
135 **include an employer performing payroll processing services on its own behalf or on**  
136 **behalf of its affiliate or a professional employer organization subject to regulation under**  
137 **sections 285.700 to 285.750;**

138 **(25) "Person", any individual, general partnership, limited partnership, limited**  
139 **liability company, corporation, trust, association, joint stock corporation, or other**  
140 **corporate entity identified by the director;**



141           **(26) "Receiving money for transmission" or "money received for transmission",**  
142 **receiving money or monetary value in the United States for transmission within or**  
143 **outside the United States by electronic or other means;**

144           **(27) "Stored value", monetary value representing a claim against the issuer**  
145 **evidenced by an electronic or digital record and that is intended and accepted for use as**  
146 **a means of redemption for money, or monetary value, or payment for goods or services.**  
147 **The term includes, but is not limited to, "prepaid access" as defined under 31 CFR**  
148 **Section 1010.100, as amended or recodified from time to time. Notwithstanding the**  
149 **provisions of this subdivision, the term does not include a payment instrument or closed**  
150 **loop stored value, or stored value not sold to the public but issued and distributed as**  
151 **part of a loyalty, rewards, or promotional program;**

152           **(28) "Tangible net worth", the aggregate assets of a licensee excluding all**  
153 **intangible assets, less liabilities, as determined in accordance with United States**  
154 **generally accepted accounting principles.**

**361.909. Sections 361.900 to 361.1035 shall not apply to:**

2           **(1) An operator of a payment system to the extent that it provides processing,**  
3 **clearing, or settlement services between or among persons exempted under this section**  
4 **or licensees in connection with wire transfers, credit card transactions, debit card**  
5 **transactions, stored value transactions, automated clearinghouse transfers, or similar**  
6 **funds transfers;**

7           **(2) A person appointed as an agent of a payee to collect and process a payment**  
8 **from a payer to the payee for goods or services, other than money transmission itself,**  
9 **provided to the payer by the payee, provided that:**

10           **(a) There exists a written agreement between the payee and the agent directing**  
11 **the agent to collect and process payments from a payer on the payee's behalf;**

12           **(b) The payee holds the agent out to the public as accepting payments for goods**  
13 **or services on the payee's behalf; and**

14           **(c) Payment for the goods and services is treated as received by the payee upon**  
15 **receipt by the agent so that the payer's obligation is extinguished and there is no risk of**  
16 **loss to the payer if the agent fails to remit the funds to the payee;**

17           **(3) A person that acts as an intermediary by processing payments between an**  
18 **entity that has directly incurred an outstanding money transmission obligation to a**  
19 **sender and the sender's designated recipient, provided that the entity:**

20           **(a) Is properly licensed or exempt from licensing requirements under sections**  
21 **361.900 to 361.1035;**

22           **(b) Provides a receipt, electronic record, or other written confirmation to the**  
23 **sender identifying the entity as the provider of money transmission in the transaction;**  
24 **and**

25           **(c) Bears sole responsibility to satisfy the outstanding money transmission**  
26 **obligation to the sender, including the obligation to make the sender whole in connection**  
27 **with any failure to transmit the funds to the sender's designated recipient;**

28           **(4) The United States or a department, agency, or instrumentality thereof, or its**  
29 **agent;**

30           **(5) Money transmission by the United States Postal Service or by an agent of the**  
31 **United States Postal Service;**

32           **(6) A state, county, city, or any other governmental agency or governmental**  
33 **subdivision or instrumentality of a state, or its agent;**

34           **(7) A federally insured depository financial institution; bank holding company;**  
35 **office of an international banking corporation; foreign bank that establishes a federal**  
36 **branch under the International Bank Act, 12 U.S.C. Section 3102, as amended or**  
37 **recodified from time to time; corporation organized under the Bank Service**  
38 **Corporation Act, 12 U.S.C. Sections 1861-1867, as amended or recodified from time**  
39 **to time; or corporation organized under the Edge Act, 12 U.S.C. Sections 611-633, as**  
40 **amended or recodified from time to time, under the laws of a state or the United States;**

41           **(8) Electronic funds transfer of governmental benefits for a federal, state,**  
42 **county, or governmental agency by a contractor on behalf of the United States or a**  
43 **department, agency, or instrumentality thereof, or on behalf of a state or governmental**  
44 **subdivision, agency, or instrumentality thereof;**

45           **(9) A board of trade designated as a contract market under the federal**  
46 **Commodity Exchange Act, 7 U.S.C. Sections 1-25, as amended or recodified from time**  
47 **to time, or a person that, in the ordinary course of business, provides clearance and**  
48 **settlement services for a board of trade to the extent of its operation as or for such a**  
49 **board;**

50           **(10) A registered futures commission merchant under the federal commodities**  
51 **laws to the extent of its operation as such a merchant;**

52           **(11) A person registered as a securities broker-dealer under federal or state**  
53 **securities laws to the extent of its operation as such a broker-dealer;**

54           **(12) An individual employed by a licensee, authorized delegate, or any person**  
55 **exempted from the licensing requirements under sections 361.900 to 361.1035 if acting**  
56 **within the scope of employment and under the supervision of the licensee, authorized**  
57 **delegate, or exempted person as an employee and not as an independent contractor;**

58           **(13) A person expressly appointed as a third-party service provider to or agent**  
59 **of an entity exempt under subdivision (7) of this subsection solely to the extent that:**

60           **(a) Such service provider or agent is engaging in money transmission on behalf**  
61 **of and under a written agreement with the exempt entity that sets forth the specific**  
62 **functions that the service provider or agent is to perform; and**

63           **(b) The exempt entity assumes all risk of loss and all legal responsibility for**  
64 **satisfying the outstanding money transmission obligations owed to purchasers and**  
65 **holders of the outstanding money transmission obligations upon receipt of the**  
66 **purchaser's or holder's money or monetary value by the service provider or agent.**

**361.912. The director may require that any person claiming to be exempt from**  
2 **licensing under section 361.909 provide information and documentation to the director**  
3 **demonstrating that the person qualifies for any claimed exemption.**

**361.915. 1. In order to carry out the purposes of sections 361.900 to 361.1035,**  
2 **the director may, subject to the provisions of subsections 1 and 2 of section 361.918:**

3           **(1) Enter into agreements or relationships with other government officials or**  
4 **federal and state regulatory agencies and regulatory associations in order to improve**  
5 **efficiencies and reduce regulatory burden by standardizing methods or procedures, and**  
6 **sharing resources, records, or related information obtained under sections 361.900 to**  
7 **361.1035;**

8           **(2) Use, hire, contract, or employ analytical systems, methods, or software to**  
9 **examine or investigate any person subject to sections 361.900 to 361.1035;**

10           **(3) Accept, from other state or federal government agencies or officials,**  
11 **licensing, examination, or investigation reports made by such other state or federal**  
12 **government agencies or officials; and**

13           **(4) Accept audit reports made by an independent certified public accountant or**  
14 **other qualified third-party auditor for an applicant or licensee and incorporate the**  
15 **audit report in any report of examination or investigation.**

16           **2. The director shall have the broad administrative authority to:**

17           **(1) Administer, interpret, and enforce sections 361.900 to 361.1035 and**  
18 **promulgate rules or regulations implementing sections 361.900 to 361.1035; and**

19           **(2) Recover the cost of administering and enforcing sections 361.900 to 361.1035**  
20 **by imposing and collecting proportionate and equitable fees and costs associated with**  
21 **applications, examinations, investigations, and other actions required to achieve the**  
22 **purpose of sections 361.900 to 361.1035.**

23           **3. The director shall promulgate all necessary rules and regulations for the**  
24 **administration of sections 361.900 to 361.1035. Any rule or portion of a rule, as that**  
25 **term is defined in section 536.010, that is created under the authority delegated in this**

26 section shall become effective only if it complies with and is subject to all of the  
27 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter  
28 536 are nonseverable and if any of the powers vested with the general assembly  
29 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul  
30 a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
31 and any rule proposed or adopted after August 28, 2024, shall be invalid and void.

361.918. 1. Except as otherwise provided in subsection 2 of this section, all  
2 information or reports obtained by the director from an applicant, licensee, or  
3 authorized delegate and all information contained in or related to an examination,  
4 investigation, operating report, or condition report prepared by, on behalf of, or for the  
5 use of the director, or financial statements, balance sheets, or authorized delegate  
6 information, shall be confidential and held in accordance with section 361.080.

7 2. The director may disclose information not otherwise subject to disclosure  
8 under subsection 1 of this section to representatives of state or federal agencies who  
9 shall confirm in writing that they will maintain the confidentiality of the information.

10 3. This section does not prohibit the director from disclosing to the public a list  
11 of all licensees or the aggregated financial or transactional data concerning those  
12 licensees.

361.921. 1. The director may conduct an examination or investigation of a  
2 licensee or authorized delegate or otherwise take independent action authorized by  
3 sections 361.900 to 361.1035 or by a rule adopted or order issued under sections 361.900  
4 to 361.1035 as reasonably necessary or appropriate to administer and enforce sections  
5 361.900 to 361.1035, regulations implementing sections 361.900 to 361.1035, and other  
6 applicable law, including the Bank Secrecy Act and the USA PATRIOT Act. The  
7 director may:

8 (1) Conduct an examination either onsite or offsite as the director may  
9 reasonably require;

10 (2) Conduct an examination in conjunction with an examination conducted by  
11 representatives of other state agencies or agencies of another state or of the federal  
12 government;

13 (3) Accept the examination report of another state agency or an agency of  
14 another state or of the federal government, or a report prepared by an independent  
15 accounting firm, which on being accepted is considered for all purposes as an official  
16 report of the director; and

17 (4) Summon and examine under oath a key individual or employee of a licensee  
18 or authorized delegate and require the person to produce records regarding any matter  
19 related to the condition and business of the licensee or authorized delegate.

20           **2. A licensee or authorized delegate shall provide, and the director shall have full**  
21 **and complete access to, all records the director may reasonably require to conduct a**  
22 **complete examination. The records shall be provided at the location and in the format**  
23 **specified by the director. The director may utilize multistate record production**  
24 **standards and examination procedures if such standards and procedures will**  
25 **reasonably achieve the requirements of this subsection.**

26           **3. Unless otherwise directed by the director, a licensee shall pay all costs**  
27 **reasonably incurred in connection with an examination of the licensee or the licensee's**  
28 **authorized delegates.**

**361.924. 1. To efficiently and effectively administer and enforce sections 361.900**  
2 **to 361.1035 and to minimize regulatory burden, the director is authorized to participate**  
3 **in multistate supervisory processes established between states or coordinated through**  
4 **the Conference of State Bank Supervisors, Money Transmitter Regulators Association,**  
5 **and affiliates and successors thereof for all licensees that hold licenses in this state and**  
6 **other states. As a participant in multistate supervision, the director may:**

7           **(1) Cooperate, coordinate, and share information with other state and federal**  
8 **regulators in accordance with section 361.918;**

9           **(2) Enter into written cooperation, coordination, or information-sharing**  
10 **contracts or agreements with organizations the membership of which is made up of**  
11 **state or federal governmental agencies; and**

12           **(3) Cooperate, coordinate, and share information with organizations the**  
13 **membership of which is made up of state or federal governmental agencies, provided**  
14 **that the organizations agree in writing to maintain the confidentiality and security of the**  
15 **shared information in accordance with this section.**

16           **2. The director shall not waive and nothing in this section constitutes a waiver of**  
17 **the director's authority to conduct an examination or investigation or otherwise take**  
18 **independent action authorized by sections 361.900 to 361.1035 or a rule adopted or**  
19 **order issued under sections 361.900 to 361.1035 to enforce compliance with applicable**  
20 **state or federal law.**

21           **3. A joint examination or investigation, or acceptance of an examination or**  
22 **investigation report, does not waive an examination assessment provided for in sections**  
23 **361.900 to 361.1035.**

**361.927. 1. In the event state money transmission jurisdiction is conditioned on**  
2 **a federal law, any inconsistencies between a provision of sections 361.900 to 361.1035**  
3 **and the federal law governing money transmission shall be governed by the applicable**  
4 **federal law to the extent of the inconsistency.**

5           **2. In the event of any inconsistencies between sections 361.900 to 361.1035 and a**  
6 **federal law that governs under subsection 1 of this section, the director may provide**  
7 **interpretive guidance that:**

- 8           **(1) Identifies the inconsistency; and**  
9           **(2) Identifies the appropriate means of compliance with federal law.**

**361.930. 1. A person shall not engage in the business of money transmission or**  
2 **advertise, solicit, or hold itself out as providing money transmission unless the person is**  
3 **licensed under sections 361.900 to 361.1035.**

4           **2. Subsection 1 of this section shall not apply to:**

5           **(1) A person that is an authorized delegate of a person licensed under sections**  
6 **361.900 to 361.1035 acting within the scope of authority conferred by a written contract**  
7 **with the licensee; or**

8           **(2) A person that is exempt under section 361.909 and does not engage in money**  
9 **transmission outside the scope of such exemption.**

10          **3. A license issued under section 361.942 shall not be transferable or assignable.**

**361.933. 1. To establish consistent licensing between this state and other states,**  
2 **the director is authorized to:**

3           **(1) Implement the licensing provisions of sections 361.900 to 361.1035 in a**  
4 **manner that is consistent with other states that have adopted the money transmission**  
5 **modernizations act or multistate licensing processes; and**

6           **(2) Participate in nationwide protocols for licensing cooperation and**  
7 **coordination among state regulators, provided that such protocols are consistent with**  
8 **sections 361.900 to 361.1035.**

9           **2. In order to fulfill the purposes of sections 361.900 to 361.1035, the director is**  
10 **authorized to establish relationships or contracts with NMLS, or other entities**  
11 **designated by NMLS or other third parties to enable the director to:**

- 12           **(1) Collect and maintain records;**  
13           **(2) Coordinate multistate licensing processes and supervision processes;**  
14           **(3) Process fees; and**  
15           **(4) Facilitate communication between this state and licensees or other persons**  
16 **subject to sections 361.900 to 361.1035.**

17          **3. The director is authorized to utilize NMLS for all aspects of licensing in**  
18 **accordance with sections 361.900 to 361.1035 including, but not limited to, license**  
19 **applications, applications for acquisitions of control, surety bonds, reporting, criminal**  
20 **history background checks, credit checks, fee processing, and examinations.**

21          **4. The director is authorized to utilize NMLS forms, processes, and**  
22 **functionalities in accordance with sections 361.900 to 361.1035.**

23           **5. (1) The director is authorized to establish and adopt, by rule or regulation,**  
24 **requirements for participation by applicants and licensees in NMLS upon the division of**  
25 **finance's determination that each requirement is consistent with law, public interest,**  
26 **and the purposes of this section.**

27           **(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
28 **created under the authority delegated in this section shall become effective only if it**  
29 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
30 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
31 **vested with the general assembly pursuant to chapter 536 to review, to delay the**  
32 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**  
33 **then the grant of rulemaking authority and any rule proposed or adopted after August**  
34 **28, 2024, shall be invalid and void.**

**361.936. 1. Applicants for a license shall apply in a form and in a medium as**  
2 **prescribed by the director. Each such form shall contain content as set forth by rule,**  
3 **regulation, instruction, or procedure of the director and may be changed or updated by**  
4 **the director in accordance with applicable law in order to carry out the purposes of**  
5 **sections 361.900 to 361.1035 and maintain consistency with licensing standards and**  
6 **practices. The application shall state or contain, as applicable:**

7           **(1) The legal name and residential and business addresses of the applicant and**  
8 **any fictitious or trade name used by the applicant in conducting its business;**

9           **(2) Whether the applicant has been convicted of, or pled guilty or nolo**  
10 **contendere to, a felony involving an act of fraud, dishonesty, a breach of trust, or money**  
11 **laundering;**

12           **(3) A description of any money transmission previously provided by the**  
13 **applicant and the money transmission that the applicant seeks to provide in this state;**

14           **(4) A list of the applicant's proposed authorized delegates and the locations in**  
15 **this state where the applicant and its authorized delegates propose to engage in money**  
16 **transmission;**

17           **(5) A list of other states in which the applicant is licensed to engage in money**  
18 **transmission and any license revocations, suspensions, or other disciplinary action taken**  
19 **against the applicant in another state;**

20           **(6) Information concerning any bankruptcy or receivership proceedings**  
21 **affecting the licensee or a person in control of a licensee;**

22           **(7) A sample form of contract for authorized delegates, if applicable;**

23           **(8) A sample form of payment instrument or stored value, as applicable;**

24           **(9) The name and address of any federally insured depository financial**  
25 **institution through which the applicant plans to conduct money transmission;**

26           **(10) A list of any material litigation in which the applicant has been involved in**  
27 **the ten-year period next preceding the submission of the application; and**

28           **(11) Any other information the director reasonably requires with respect to the**  
29 **applicant.**

30           **2. If an applicant is a corporation, limited liability company, partnership, or**  
31 **other legal entity, the applicant shall also provide:**

32           **(1) The date of the applicant's incorporation or formation and state or country**  
33 **of incorporation or formation;**

34           **(2) If applicable, a certificate of good standing from the state or country in which**  
35 **the applicant is incorporated or formed;**

36           **(3) A brief description of the structure or organization of the applicant,**  
37 **including any parents or subsidiaries of the applicant, and whether any parents or**  
38 **subsidiaries are publicly traded;**

39           **(4) The legal name, any fictitious or trade name, all business and residential**  
40 **addresses, and the employment, as applicable, in the ten-year period next preceding the**  
41 **submission of the application of each key individual and person in control of the**  
42 **applicant;**

43           **(5) Whether they have been convicted of, or pled guilty or nolo contendere to, a**  
44 **felony involving an act of fraud, dishonesty, a breach of trust, or money laundering;**

45           **(6) A copy of audited financial statements of the applicant for the most recent**  
46 **fiscal year and for the two-year period next preceding the submission of the application**  
47 **or, if determined to be acceptable to the director, certified unaudited financial**  
48 **statements for the most recent fiscal year or other period acceptable to the director;**

49           **(7) A certified copy of unaudited financial statements of the applicant for the**  
50 **most recent fiscal quarter;**

51           **(8) If the applicant is a publicly traded corporation, a copy of the most recent**  
52 **report filed with the United States Securities and Exchange Commission under Section**  
53 **13 of the federal Securities Exchange Act of 1934, 15 U.S.C. Section 78m, as amended or**  
54 **recodified from time to time;**

55           **(9) If the applicant is a wholly owned subsidiary of:**

56           **(a) A corporation publicly traded in the United States, a copy of audited**  
57 **financial statements for the parent corporation for the most recent fiscal year or a copy**  
58 **of the parent corporation's most recent report filed under Section 13 of the U.S.**  
59 **Securities Exchange Act of 1934, 15 U.S.C. Section 78m, as amended or recodified from**  
60 **time to time; or**



61 (b) A corporation publicly traded outside the United States, a copy of similar  
62 documentation filed with the regulator of the parent corporation's domicile outside the  
63 United States;

64 (10) The name and address of the applicant's registered agent in this state;

65 (11) A list of any material litigation in which the applicant has been involved in  
66 the ten-year period next preceding the submission of the application; and

67 (12) Any other information the director reasonably requires with respect to the  
68 applicant.

69 3. A nonrefundable application fee and license fee, as determined by the director,  
70 shall accompany an application for a license under this section.

71 4. The director may waive one or more requirements of subsections 1 and 2 of  
72 this section or permit an applicant to submit other information in lieu of the required  
73 information.

361.939. 1. Any individual in control of a licensee or applicant, any individual  
2 that seeks to acquire control of a licensee, and each key individual shall furnish to the  
3 director through NMLS the following:

4 (1) The individual's fingerprints for submission to the Federal Bureau of  
5 Investigation and the director for purposes of a national criminal history background  
6 check unless the person currently resides outside of the United States and has resided  
7 outside of the United States for the last ten years; and

8 (2) Personal history and experience in a form and in a medium prescribed by the  
9 director, to obtain the following:

10 (a) An independent credit report from a consumer reporting agency unless the  
11 individual does not have a Social Security number, in which case this requirement shall  
12 be waived;

13 (b) Whether they have been convicted of, or pled guilty or nolo contendere to, a  
14 felony involving an act of fraud, dishonesty, a breach of trust, or money laundering; and

15 (c) Information related to any regulatory or administrative action and any civil  
16 litigation involving claims of fraud, misrepresentation, conversion, mismanagement of  
17 funds, breach of fiduciary duty, or breach of contract.

18 2. If the individual has resided outside of the United States at any time in the last  
19 ten years, the individual shall also provide an investigative background report prepared  
20 by an independent search firm that meets the following requirements:

21 (1) At a minimum, the search firm shall:

22 (a) Demonstrate that it has sufficient knowledge and resources and employs  
23 accepted and reasonable methodologies to conduct the research for the background  
24 report; and

25 (b) Not be affiliated with or have an interest with the individual it is researching;  
26 and

27 (2) At a minimum, the investigative background report shall be written in the  
28 English language and shall contain the following:

29 (a) If available in the individual's current jurisdiction of residency, a  
30 comprehensive credit report, or any equivalent information obtained or generated by  
31 the independent search firm to accomplish such report, including a search of the court  
32 data in the countries, provinces, states, cities, towns, and contiguous areas where the  
33 individual resided and worked;

34 (b) Criminal records information for the past ten years including, but not  
35 limited to, felonies, misdemeanors, or similar convictions for violations of law in the  
36 countries, provinces, states, cities, towns, and contiguous areas where the individual  
37 resided and worked;

38 (c) Employment history;

39 (d) Media history, including an electronic search of national and local  
40 publications, wire services, and business applications; and

41 (e) Financial services-related regulatory history including but not limited to,  
42 money transmission, securities, banking, insurance, and mortgage-related industries.

361.942. 1. If an application for an original license under sections 361.900 to  
2 361.1035 appears to include all the items and addresses and all of the matters that are  
3 required, the application is complete and the director shall promptly notify the  
4 applicant in a record of the date on which the application is determined to be complete,  
5 and:

6 (1) The director shall approve or deny the application within one hundred  
7 twenty days after the completion date; or

8 (2) If the application is not approved or denied within one hundred twenty days  
9 after the completion date:

10 (a) The application is approved; and

11 (b) The license takes effect as of the first business day after expiration of the one-  
12 hundred-twenty-day period.

13

14 The director may for good cause extend the application period.

15 2. A determination by the director that an application is complete and is  
16 accepted for processing means only that the application, on its face, appears to include  
17 all of the items, including the criminal background check response from the Federal  
18 Bureau of Investigation, and address all of the matters that are required, and is not an

19 **assessment of the substance of the application or of the sufficiency of the information**  
20 **provided.**

21 **3. If an application is filed and considered complete under this section, the**  
22 **director shall investigate the applicant's financial condition and responsibility, financial**  
23 **and business experience, character, and general fitness. The director may conduct an**  
24 **onsite investigation of the applicant, the reasonable cost of which the applicant shall pay.**  
25 **The director shall issue a license to an applicant under this section if the director finds**  
26 **that all of the following conditions have been fulfilled:**

27 **(1) The applicant has complied with the provisions of sections 361.929 and**  
28 **361.936; and**

29 **(2) The financial condition and responsibility, financial and business experience,**  
30 **competence, character, and general fitness of the applicant; and the competence,**  
31 **experience, character, and general fitness of the key individuals and persons in control**  
32 **of the applicant indicate that it is in the interest of the public to permit the applicant to**  
33 **engage in money transmission.**

34 **4. If an applicant avails itself or is otherwise subject to a multistate licensing**  
35 **process:**

36 **(1) The director shall be authorized to accept the investigation results of a lead**  
37 **investigative state for the purpose of subsection 3 of this section if the lead investigative**  
38 **state has sufficient staffing, expertise, and minimum standards; or**

39 **(2) If this state is a lead investigative state, the director shall be authorized to**  
40 **investigate the applicant under subsection 3 of this section and the time frames**  
41 **established by agreement through the multistate licensing process, provided however,**  
42 **that in no case shall such time frame be noncompliant with the application period in**  
43 **subdivision (1) of subsection 1 of this section.**

44 **5. The director shall issue a formal written notice of the denial of a license**  
45 **application within thirty days of the decision to deny the application. The director shall**  
46 **set forth in the notice of denial the specific reasons for the denial of the application. An**  
47 **applicant whose application is denied by the director under this subsection may appeal**  
48 **within thirty days after receipt of the written notice of the denial under chapter 536.**

49 **6. The initial license term shall begin on the day the application is approved.**  
50 **The license shall expire on December thirty-first of the year in which the license term**  
51 **began unless the initial license date is between November first and December thirty-**  
52 **first, in which instance the initial license term shall run through December thirty-first of**  
53 **the following year.**

**361.945. 1. A license under sections 361.900 to 361.1035 shall be renewed**  
2 **annually. An annual renewal fee, to be determined by the director, shall be paid no**

3 more than sixty days before the license expiration. The renewal term shall be for a  
4 period of one year and shall begin on January first of each year after the initial license  
5 term and shall expire on December thirty-first of the year the renewal term begins.

6 2. A licensee shall submit a renewal report with the renewal fee, in a form and in  
7 a medium prescribed by the director. The renewal report shall state or contain a  
8 description of each material change in information submitted by the licensee in its  
9 original license application that has not been reported to the director.

10 3. The director for good cause may grant an extension of the renewal date.

11 4. The director shall be authorized and encouraged to utilize NMLS to process  
12 license renewals, provided that such functionality is consistent with this section.

361.948. 1. If a licensee does not continue to meet the qualifications or satisfy the  
2 requirements that apply to an applicant for a new money transmission license, the  
3 director may suspend or revoke the licensee's license in accordance with the procedures  
4 established under sections 361.900 to 361.1035 or other applicable state law for such  
5 suspension or revocation.

6 2. An applicant for a money transmission license shall demonstrate that it meets  
7 or will meet, and a money transmission licensee shall at all times meet, the requirements  
8 in sections 361.999, 361.1002, and 361.1005.

361.951. 1. Any person, or group of persons acting in concert, seeking to acquire  
2 control of a licensee shall obtain the written approval of the director prior to acquiring  
3 control. An individual is not deemed to acquire control of a licensee and is not subject to  
4 the acquisition of control provisions if that individual becomes a key individual in the  
5 ordinary course of business.

6 2. A person, or group of persons acting in concert, seeking to acquire control of a  
7 licensee shall, in cooperation with the licensee:

8 (1) Submit an application in a form and in a medium prescribed by the director;  
9 and

10 (2) Submit a nonrefundable fee, to be determined by the director, with the  
11 request for approval.

12 3. Upon request, the director may permit a licensee or a person, or group of  
13 persons acting in concert, to submit some or all information required by the director  
14 under subdivision (1) of subsection 2 of this section without using NMLS.

15 4. The application required under subdivision (1) of subsection 2 of this section  
16 shall include information required under section 361.939 for any new key individuals  
17 that have not previously completed the requirements of section 361.939 for a licensee.

18 5. When an application for acquisition of control under this section appears to  
19 include all the items and address all of the matters that are required, the application

20 shall be considered complete. The director shall promptly notify the applicant in a  
21 record of the date on which the application was determined to be complete, and:

22 (1) The director shall approve or deny the application within sixty days after the  
23 completion date; or

24 (2) If the application is not approved or denied within sixty days after the  
25 completion date:

26 (a) The application is approved; and

27 (b) The person, or group of persons acting in concert, are not prohibited from  
28 acquiring control; and

29 (3) The director may for good cause extend the application period.

30 6. A determination by the director that an application is complete and is  
31 accepted for processing means only that the application, on its face, appears to include  
32 all of the items and address all of the matters that are required, and is not an assessment  
33 of the substance of the application or of the sufficiency of the information provided.

34 7. If an application is filed and considered complete under subsection 5 of this  
35 section, the director shall investigate the financial condition and responsibility, financial  
36 and business experience, character, and general fitness of the person, or group of  
37 persons acting in concert, seeking to acquire control. The director shall approve an  
38 acquisition of control under this section if the director finds that all of the following  
39 conditions have been fulfilled:

40 (1) The requirements of subsections 2 and 4 of this section have been met, as  
41 applicable; and

42 (2) The financial condition and responsibility, financial and business experience,  
43 competence, character, and general fitness of the person, or group of persons acting in  
44 concert, seeking to acquire control and the competence, experience, character, and  
45 general fitness of the key individuals and persons that would be in control of the licensee  
46 after the acquisition of control indicate that it is in the interest of the public to permit  
47 the person, or group of persons acting in concert, to control the licensee.

48 8. If an applicant avails itself or is otherwise subject to a multistate licensing  
49 process:

50 (1) The director is authorized to accept the investigation results of a lead  
51 investigative state for the purpose of subsection 7 of this section if the lead investigative  
52 state has sufficient staffing, expertise, and minimum standards; or

53 (2) If this state is a lead investigative state, the director is authorized to  
54 investigate the applicant under subsection 7 of this section and the time frames  
55 established by agreement through the multistate licensing process.

56           **9. The director shall issue a formal written notice of the denial of an application**  
57 **to acquire control within thirty days of the decision to deny the application. The**  
58 **director shall set forth in the notice of denial the specific reasons for the denial of the**  
59 **application. An applicant whose application is denied by the director under this**  
60 **subsection may appeal within thirty days after receipt of the written notice of the denial**  
61 **under chapter 536.**

62           **10. The requirements of subsections 1 and 2 of this section shall not apply to any**  
63 **of the following:**

64           **(1) A person that acts as a proxy for the sole purpose of voting at a designated**  
65 **meeting of the shareholders or holders of voting shares or voting interests of a licensee**  
66 **or a person in control of a licensee;**

67           **(2) A person that acquires control of a licensee by devise or descent;**

68           **(3) A person that acquires control of a licensee as a personal representative,**  
69 **custodian, guardian, conservator, or trustee, or as an officer appointed by a court of**  
70 **competent jurisdiction or by operation of law;**

71           **(4) A person that is exempt under subsection 7 of section 361.909;**

72           **(5) A person that the director determines is not subject to subsection 1 of this**  
73 **section based on the public interest;**

74           **(6) A public offering of securities of a licensee or a person in control of a**  
75 **licensee; or**

76           **(7) An internal reorganization of a person in control of the licensee where the**  
77 **ultimate person in control of the licensee remains the same.**

78           **11. Persons in subdivisions (2), (3), (4), (6), and (7) of subsection 10 of this section**  
79 **in cooperation with the licensee shall notify the director within fifteen days after the**  
80 **acquisition of control.**

81           **12. (1) The requirements of subsections 1 and 2 of this section shall not apply to**  
82 **a person that has complied with and received approval to engage in money transmission**  
83 **under sections 361.900 to 361.1035 or was identified as a person in control in a prior**  
84 **application filed with and approved by the director or by another state under a**  
85 **multistate licensing process, provided that:**

86           **(a) The person has not had a license revoked or suspended or controlled a**  
87 **licensee that has had a license revoked or suspended while the person was in control of**  
88 **the licensee in the previous five years;**

89           **(b) If the person is a licensee, the person is well managed and has received at**  
90 **least a satisfactory rating for compliance at its most recent examination by another state**  
91 **if such rating was given;**

92 (c) The licensee to be acquired is projected to meet the requirements of sections  
93 361.999, 361.1002, and 361.1005 after the acquisition of control is completed, and if the  
94 person acquiring control is a licensee, that licensee is also projected to meet the  
95 requirements of sections 361.999, 361.1002, and 361.1005 after the acquisition of control  
96 is completed;

97 (d) The licensee to be acquired will not implement any material changes to its  
98 business plan as a result of the acquisition of control, and if the person acquiring control  
99 is a licensee, that licensee also will not implement any material changes to its business  
100 plan as a result of the acquisition of control; and

101 (e) The person provides notice of the acquisition in cooperation with the licensee  
102 and attests to paragraphs (a) to (d) of this subdivision in a form and in a medium  
103 prescribed by the director.

104 (2) If the notice is not disapproved within thirty days after the date on which the  
105 notice was determined to be complete, the notice is deemed approved.

106 13. Before filing an application for approval to acquire control of a licensee, a  
107 person may request in writing a determination from the director as to whether the  
108 person would be considered a person in control of a licensee upon consummation of a  
109 proposed transaction. If the director determines that the person would not be a person  
110 in control of a licensee, the proposed person and transaction is not subject to the  
111 requirements of subsections 1 and 2 of this section.

112 14. If a multistate licensing process includes a determination under subsection 13  
113 of this section and an applicant avails itself or is otherwise subject to the multistate  
114 licensing process:

115 (1) The director is authorized to accept the control determination of a lead  
116 investigative state with sufficient staffing, expertise, and minimum standards for the  
117 purpose of subsection 13 of this section; or

118 (2) If this state is a lead investigative state, the director is authorized to  
119 investigate the applicant under subsection 13 of this section and the time frames  
120 established by agreement through the multistate licensing process.

361.954. 1. A licensee adding or replacing any key individual shall:

2 (1) Provide notice in a manner prescribed by the director within fifteen days  
3 after the effective date of the key individual's appointment; and

4 (2) Provide information as required by section 361.939 within forty-five days of  
5 the effective date.

6 2. Within ninety days of the date on which the notice provided under subsection  
7 1 of this section was determined to be complete, the director may issue a notice of  
8 disapproval of a key individual if the competence, experience, character, or integrity of

9 the individual would not be in the best interests of the public or the customers of the  
10 licensee to permit the individual to be a key individual of such licensee.

11 3. A notice of disapproval shall contain a statement of the basis for disapproval  
12 and shall be sent to the licensee and the disapproved individual. A licensee may appeal a  
13 notice of disapproval under chapter 536 within thirty days after receipt of such notice of  
14 disapproval.

15 4. If the notice provided under subsection 1 of this section is not disapproved  
16 within ninety days after the date on which the notice was determined to be complete, the  
17 key individual is deemed approved.

18 5. If a multistate licensing process includes a key individual notice review and  
19 disapproval process under this section and the licensee avails itself or is otherwise  
20 subject to the multistate licensing process:

21 (1) The director is authorized to accept the determination of another state if the  
22 investigating state has sufficient staffing, expertise, and minimum standards for the  
23 purpose of this section; or

24 (2) If this state is a lead investigative state, the director is authorized to  
25 investigate the applicant under subsection 2 of this section and the time frames  
26 established by agreement through the multistate licensing process.

361.957. 1. Each licensee shall submit a report of condition within forty days of  
2 the end of the calendar quarter or within any extended time as the director may  
3 prescribe.

4 2. The report of condition shall include:

5 (1) Financial information at the licensee level;

6 (2) Nationwide and state-specific money transmission transaction information in  
7 every jurisdiction in the United States where the licensee is licensed to engage in money  
8 transmission;

9 (3) Permissible investments report;

10 (4) Transaction destination country reporting for money received for  
11 transmission, if applicable; and

12 (5) Any other information the director reasonably requires with respect to the  
13 licensee. The director is authorized to utilize NMLS for the submission of the report  
14 required by subsection 1 of this section and is authorized to update as necessary the  
15 requirements of this section to carry out the purposes of sections 361.900 to 361.1035  
16 and maintain consistency with NMLS reporting.

17 3. The information required under subdivision (4) of subsection 2 of this section  
18 shall be included only in a report of condition submitted within forty-five days of the  
19 end of the fourth calendar quarter.



361.960. 1. Each licensee shall, within ninety days after the end of each fiscal year or within any extended time as the director may prescribe, file with the director:

(1) An audited financial statement of the licensee for the fiscal year prepared in accordance with United States generally accepted accounting principles; and

(2) Any other information as the director may reasonably require.

2. The audited financial statement shall be prepared by an independent certified public accountant or independent public accountant who is satisfactory to the director.

3. The audited financial statements shall include or be accompanied by a certificate of opinion of the independent certified public accountant or independent public accountant that is satisfactory in form and content to the director. If the certificate or opinion is qualified, the director may order the licensee to take any action as the director may find necessary to enable the independent certified public accountant or independent public accountant to remove the qualification.

361.963. 1. Each licensee shall submit a report of authorized delegates within forty-five days of the end of the calendar quarter. The director is authorized to utilize NMLS for the submission of the report required under this section, provided that such functionality is consistent with the requirements of this section.

2. The authorized delegate report shall include, at a minimum, each authorized delegate's:

(1) Company legal name;

(2) Taxpayer employer identification number;

(3) Principal provider identifier;

(4) Physical address, if any;

(5) Mailing address;

(6) Any business conducted in other states;

(7) Any fictitious or trade name;

(8) Contact person name, phone number, and email;

(9) Start date as licensee's authorized delegate;

(10) End date acting as licensee's authorized delegate, if applicable; and

(11) Any other information the director reasonably requires with respect to the authorized delegate.

361.966. 1. A licensee shall file a report with the director within one business day after the licensee has reason to know of the occurrence of any of the following events:

(1) The filing of a petition by or against the licensee under the United States Bankruptcy Code, 11 U.S.C. Section 101-110, as amended or recodified from time to time, for bankruptcy or reorganization;

7           (2) The filing of a petition by or against the licensee for receivership, the  
8 commencement of any other judicial or administrative proceeding for its dissolution or  
9 reorganization, or the making of a general assignment for the benefit of its creditors; or

10           (3) The commencement of a proceeding to revoke or suspend its license in a state  
11 or country in which the licensee engages in business or is licensed.

12           2. A licensee shall notify the director within three business days after the licensee  
13 has reason to know that:

14           (1) The licensee or a key individual or person in control of the licensee, has been  
15 convicted of, or pled guilty or nolo contendere to a felony involving an act of fraud,  
16 dishonesty, a breach of trust, or money laundering; or

17           (2) An authorized delegate has been convicted of, or pled guilty or nolo  
18 contendere to, a felony involving an act of fraud, dishonesty, a breach of trust, or money  
19 laundering.

          361.969. A licensee and an authorized delegate shall file all reports required by  
2 federal currency reporting, record keeping, and suspicious activity reporting  
3 requirements as set forth in the Bank Secrecy Act and other federal and state laws  
4 pertaining to money laundering. The timely filing of a complete and accurate report  
5 required under this section with the appropriate federal agency is deemed compliant  
6 with the requirements of this section.

          361.972. 1. A licensee shall maintain the following records for determining its  
2 compliance with sections 361.900 to 361.1035 for at least three years:

3           (1) A record of each outstanding money transmission obligation sold;

4           (2) A general ledger posted at least monthly containing all asset, liability, capital,  
5 income, and expense accounts;

6           (3) Bank statements and bank reconciliation records;

7           (4) Records of outstanding money transmission obligations;

8           (5) Records of each outstanding money transmission obligation paid within the  
9 three-year period;

10           (6) A list of the last known names and addresses of all of the licensee's authorized  
11 delegates; and

12           (7) Any other records the director reasonably requires by rule.

13           2. The items specified in subsection 1 of this section may be maintained in any  
14 form of record.

15           3. Records specified in subsection 1 of this section may be maintained outside  
16 this state if the records are made accessible to the director on seven business days' notice  
17 that is sent in a record.

18           **4. All records maintained by the licensee as required in subsections 1 to 3 of this**  
19 **section are open to inspection by the director under subsection 1 of section 361.921.**

**361.975. 1. As used in this section, "remit" means to make direct payments of**  
2 **money to a licensee or its representative authorized to receive money or to deposit**  
3 **money in a bank in an account specified by the licensee.**

4           **2. Before a licensee is authorized to conduct business through an authorized**  
5 **delegate, or allows a person to act as the licensee's authorized delegate, the licensee**  
6 **shall:**

7           **(1) Adopt, and update as necessary, written policies and procedures reasonably**  
8 **designed to ensure that the licensee's authorized delegates comply with applicable state**  
9 **and federal law;**

10          **(2) Enter into a written contract that complies with subsection 4 of this section;**  
11 **and**

12          **(3) Conduct a reasonable risk-based background investigation sufficient for the**  
13 **licensee to determine whether the authorized delegate has complied and will likely**  
14 **comply with applicable state and federal law.**

15          **3. An authorized delegate shall operate in full compliance with sections 361.900**  
16 **to 361.1035.**

17          **4. The written contract required under subsection 2 of this section shall be**  
18 **signed by the licensee and the authorized delegate and, at a minimum, shall:**

19          **(1) Appoint the person signing the contract as the licensee's authorized delegate**  
20 **with the authority to conduct money transmission on behalf of the licensee;**

21          **(2) Set forth the nature and scope of the relationship between the licensee and**  
22 **the authorized delegate and the respective rights and responsibilities of the parties;**

23          **(3) Require the authorized delegate to agree to fully comply with all applicable**  
24 **state and federal laws, rules, and regulations pertaining to money transmission,**  
25 **including sections 361.900 to 361.1035 and regulations implementing sections 361.900 to**  
26 **361.1035, relevant provisions of the Bank Secrecy Act, and the USA PATRIOT Act;**

27          **(4) Require the authorized delegate to remit and handle money and monetary**  
28 **value in accordance with the terms of the contract between the licensee and the**  
29 **authorized delegate;**

30          **(5) Impose a trust on money and monetary value net of fees received for money**  
31 **transmission for the benefit of the licensee;**

32          **(6) Require the authorized delegate to prepare and maintain records as required**  
33 **by sections 361.900 to 361.1035 or regulations implementing sections 361.900 to**  
34 **361.1035, or as reasonably requested by the director;**

35           **(7) Acknowledge that the authorized delegate consents to examination or**  
36 **investigation by the director;**

37           **(8) State that the licensee is subject to regulation by the director and that, as part**  
38 **of that regulation, the director may suspend or revoke an authorized delegate**  
39 **designation or require the licensee to terminate an authorized delegate designation; and**

40           **(9) Acknowledge receipt of the written policies and procedures required under**  
41 **subdivision (1) of subsection 1 of this section.**

42           **5. If the licensee's license is suspended, revoked, surrendered, or expired, the**  
43 **licensee shall, within five business days, provide documentation to the director that the**  
44 **licensee has notified all applicable authorized delegates of the licensee whose names are**  
45 **in a record filed with the directors of the suspension, revocation, surrender, or**  
46 **expiration of a license. Upon suspension, revocation, surrender, or expiration of a**  
47 **license, applicable authorized delegates shall immediately cease to provide money**  
48 **transmission as an authorized delegate of the licensee.**

49           **6. An authorized delegate of a licensee holds in trust for the benefit of the**  
50 **licensee all money net of fees received from money transmission. If any authorized**  
51 **delegate commingles any funds received from money transmission with any other funds**  
52 **or property owned or controlled by the authorized delegate, all commingled funds and**  
53 **other property shall be considered held in trust in favor of the licensee in an amount**  
54 **equal to the amount of money net of fees received from money transmission.**

55           **7. An authorized delegate shall not use a subdelegate to conduct money**  
56 **transmission on behalf of a licensee.**

**361.978. A person shall not engage in the business of money transmission on**  
2 **behalf of a person not licensed under sections 361.900 to 361.1035 or not exempt under**  
3 **sections 361.909 and 361.912. A person that engages in such activity provides money**  
4 **transmission to the same extent as if the person were a licensee and shall be jointly and**  
5 **severally liable with the unlicensed or nonexempt person.**

**361.981. 1. The circuit court in an action brought by a licensee shall have**  
2 **jurisdiction to grant appropriate equitable or legal relief, including without limitation**  
3 **prohibiting the authorized delegate from directly or indirectly acting as an authorized**  
4 **delegate for any licensee in this state and the payment of restitution, damages, or other**  
5 **monetary relief, if the circuit court finds that an authorized delegate failed to remit**  
6 **money in accordance with the written contract required by subsection 2 of section**  
7 **361.1275 or as otherwise directed by the licensee or required by law.**

8           **2. If the circuit court issues an order prohibiting a person from acting as an**  
9 **authorized delegate for any licensee under subsection 1 of this section, the licensee that**

10 brought the action shall report the order to the director within thirty days and shall  
11 report the order through NMLS within ninety days.

12         **3. An authorized delegate who holds money in trust for the benefit of a licensee  
13 and knowingly fails to remit more than one thousand dollars of such money is guilty of a  
14 class E felony.**

15         **4. An authorized delegate who holds money in trust for the benefit of a licensee  
16 and knowingly fails to remit no more than one thousand dollars of such money is guilty  
17 of a class A misdemeanor.**

**361.984. 1. Every licensee shall forward all money received for transmission in  
2 accordance with the terms of the agreement between the licensee and the sender unless  
3 the licensee has a reasonable belief or a reasonable basis to believe that the sender may  
4 be a victim of fraud or that a crime or violation of law, rule, or regulation has occurred,  
5 is occurring, or may occur.**

6         **2. If a licensee fails to forward money received for transmission in accordance  
7 with this section, the licensee shall respond to inquiries by the sender with the reason for  
8 the failure unless providing a response would violate a state or federal law, rule, or  
9 regulation.**

**361.987. 1. This section shall not apply to:**

2         **(1) Money received for transmission subject to the federal Remittance Rule, 12  
3 CFR Part 1005, Subpart B, as amended or recodified from time to time; or**

4         **(2) Money received for transmission under a written agreement between the  
5 licensee and payee to process payments for goods or services provided by the payee.**

6         **2. Every licensee shall refund to the sender, within ten days of receipt of the  
7 sender's written request for a refund, any and all money received for transmission  
8 unless any of the following occurs:**

9         **(1) The money has been forwarded within ten days of the date on which the  
10 money was received for transmission;**

11         **(2) Instructions have been given committing an equivalent amount of money to  
12 the person designated by the sender within ten days of the date on which the money was  
13 received for transmission;**

14         **(3) The agreement between the licensee and the sender instructs the licensee to  
15 forward the money at a time that is beyond ten days of the date on which the money was  
16 received for transmission. If funds have not yet been forwarded in accordance with the  
17 terms of the agreement between the licensee and the sender, the licensee shall issue a  
18 refund in accordance with the other provisions of this section;**

19           **(4) The refund is requested for a transaction that the licensee has not completed**  
20 **based on a reasonable belief or a reasonable basis to believe that a crime or violation of**  
21 **law, rule, or regulation has occurred, is occurring, or may occur; or**

22           **(5) The refund request does not enable the licensee to:**

23           **(a) Identify the sender's name and address or telephone number; or**

24           **(b) Identify the particular transaction to be refunded in the event the sender has**  
25 **multiple transactions outstanding.**

**361.990. 1. This section shall not apply to:**

2           **(1) Money received for transmission subject to the federal Remittance Rule, 12**  
3 **CFR Part 1005, Subpart B, as amended or recodified from time to time;**

4           **(2) Money received for transmission that is not primarily for personal, family, or**  
5 **household purposes;**

6           **(3) Money received for transmission under a written agreement between the**  
7 **licensee and payee to process payments for goods or services provided by the payee; or**

8           **(4) Payroll processing services.**

9           **2. For purposes of this section, "receipt" means a paper receipt, electronic**  
10 **record, or other written confirmation. For a transaction conducted in person, the**  
11 **receipt may be provided electronically if the sender requests or agrees to receive an**  
12 **electronic receipt. For a transaction conducted electronically or by phone, a receipt may**  
13 **be provided electronically. All electronic receipts shall be provided in a retainable form.**

14           **3. (1) Every licensee or its authorized delegate shall provide the sender a receipt**  
15 **for money received for transmission. The receipt shall contain the following**  
16 **information, as applicable:**

17           **(a) The name of the sender;**

18           **(b) The name of the designated recipient;**

19           **(c) The date of the transaction;**

20           **(d) The unique transaction or identification number;**

21           **(e) The name of the licensee, NMLS unique identifier, the licensee's business**  
22 **address, and the licensee's customer service telephone number;**

23           **(f) The amount of the transaction in United States dollars;**

24           **(g) Any fee charged by the licensee to the sender for the transaction; and**

25           **(h) Any taxes collected by the licensee from the sender for the transaction.**

26           **(2) The receipt required by this section shall be in English and in the language**  
27 **principally used by the licensee or authorized delegate to advertise, solicit, or negotiate,**  
28 **either orally or in writing, for a transaction conducted in person, electronically, or by**  
29 **phone, if other than English.**

**361.996. 1. A licensee that provides payroll processing services shall:**

2           **(1) Issue reports to clients detailing client payroll obligations in advance of the**  
3 **payroll funds being deducted from an account; and**

4           **(2) Make available worker paystubs or an equivalent statement to workers.**

5           **2. Subsection 1 of this section shall not apply to a licensee providing payroll**  
6 **processing services if the licensee's client designates the intended recipients to the**  
7 **licensee and is responsible for providing the disclosures required by subdivision (2) of**  
8 **subsection 1 of this section.**

**361.999. 1. A licensee under sections 361.900 to 361.1035 shall maintain at all**  
2 **times a tangible net worth of the greater of one hundred thousand dollars or three**  
3 **percent of total assets for the first one hundred million dollars, two percent of additional**  
4 **assets for one hundred million dollars to one billion dollars, and one-half of one percent**  
5 **of additional assets for over one billion dollars.**

6           **2. Tangible net worth shall be demonstrated at initial application by the**  
7 **applicant's most recent audited or unaudited financial statements under subdivision (6)**  
8 **of subsection 2 of section 361.936.**

9           **3. Notwithstanding the provisions of this section, the director shall have the**  
10 **authority, for good cause shown, to exempt, in part or in whole, from the requirements**  
11 **of this section any applicant or licensee.**

**361.1002. 1. An applicant for a money transmission license shall provide, and a**  
2 **licensee at all times shall maintain, security consisting of a surety bond in a form**  
3 **satisfactory to the director.**

4           **2. The amount of the required security shall be:**

5           **(1) The greater of one hundred thousand dollars or an amount equal to one**  
6 **hundred percent of the licensee's average daily money transmission liability in this state**  
7 **calculated for the most recently completed three-month period, up to a maximum of five**  
8 **hundred thousand dollars; or**

9           **(2) In the event that the licensee's tangible net worth exceeds ten percent of the**  
10 **total assets, a surety bond of one hundred thousand dollars.**

11           **3. A licensee that maintains a bond in the maximum amount provided for in**  
12 **subsection 2 of this section shall not be required to calculate its average daily money**  
13 **transmission liability in this state for purposes of this section.**

**361.1005. 1. A licensee shall maintain at all times permissible investments that**  
2 **have a market value computed in accordance with United States generally accepted**  
3 **accounting principles of not less than the aggregate amount of all of its outstanding**  
4 **money transmission obligations.**

5           **2. Except for permissible investments enumerated in subsection 1 of section**  
6 **361.1008, the director, with respect to any licensee, may by rule limit the extent to which**

7 a specific investment maintained by a licensee within a class of permissible investments  
8 may be considered a permissible investment if the specific investment represents undue  
9 risk to customers not reflected in the market value of investments.

10 3. Permissible investments, even if commingled with other assets of the licensee,  
11 are held in trust for the benefit of the purchasers and holders of the licensee's  
12 outstanding money transmission obligations in the event of insolvency, the filing of a  
13 petition by or against the licensee under the United States Bankruptcy Code, 11 U.S.C.  
14 Section 101-110, as amended or recodified from time to time, for bankruptcy or  
15 reorganization, the filing of a petition by or against the licensee for receivership, the  
16 commencement of any other judicial or administrative proceeding for its dissolution or  
17 reorganization, or in the event of an action by a creditor against the licensee who is not a  
18 beneficiary of the statutory trust. No permissible investments impressed with a trust  
19 under this subsection shall be subject to attachment, levy of execution, or sequestration  
20 by order of any court, except for a beneficiary of the statutory trust.

21 4. Upon the establishment of a statutory trust in accordance with subsection 3 of  
22 this section or when any funds are drawn on a letter of credit under subdivision (4) of  
23 subsection 1 of section 361.1008, the director shall notify the applicable regulator of each  
24 state in which the licensee is licensed to engage in money transmission, if any, of the  
25 establishment of the trust or the funds drawn on the letter of credit, as applicable.  
26 Notice shall be deemed satisfied if performed under a multistate agreement or through  
27 NMLS. Funds drawn on a letter of credit, and any other permissible investments held  
28 in trust for the benefit of the purchasers and holders of the licensee's outstanding money  
29 transmission obligations, are deemed held in trust for the benefit of such purchasers and  
30 holders on a pro rata and equitable basis in accordance with statutes under which  
31 permissible investments are required to be held in this state, and other states, as  
32 applicable. Any statutory trust established under this subsection shall be terminated  
33 upon extinguishment of all of the licensee's outstanding money transmission obligations.

34 5. The director by rule or by order may allow other types of investments that the  
35 director determines are of sufficient liquidity and quality to be a permissible investment.  
36 The director is authorized to participate in efforts with other state regulators to  
37 determine that other types of investments are of sufficient liquidity and quality to be a  
38 permissible investment.

361.1008. 1. The following investments are permissible under section 361.1005:

2 (1) Cash, including demand deposits, savings deposits, and funds in such  
3 accounts held for the benefit of the licensee's customers in a federally insured depository  
4 financial institution, and cash equivalents, including automated clearinghouse items in  
5 transit to the licensee and automated clearinghouse items or international wires in



6 transit to a payee, cash in transit via armored car, cash in smart safes, cash in licensee-  
7 owned locations, debit card or credit card funded transmission receivables owed by any  
8 bank, or money market mutual funds rated AAA by Standard & Poor's, or the  
9 equivalent from any eligible rating service;

10 (2) Certificates of deposit or senior debt obligations of an insured depository  
11 institution, as defined under the Federal Deposit Insurance Act, 12 U.S.C. Section 1813,  
12 as amended or recodified from time to time, or as defined under the federal Credit  
13 Union Act, 12 U.S.C. Section 1781, as amended or recodified from time to time;

14 (3) An obligation of the United States or a commission, agency, or  
15 instrumentality thereof; an obligation that is guaranteed fully as to principal and  
16 interest by the United States; or an obligation of a state or a governmental subdivision,  
17 agency, or instrumentality thereof;

18 (4) One hundred percent of the surety bond provided for under section 361.1002  
19 that exceeds the average daily money transmission liability in this state; and

20 (5) The full drawable amount of an irrevocable standby letter of credit for which  
21 the stated beneficiary is the director that stipulates that the beneficiary need draw only  
22 a sight draft under the letter of credit and present it to obtain funds up to the letter of  
23 credit amount within seven days of presentation of the items required by paragraph (d)  
24 of this subdivision. The letter of credit shall:

25 (a) Be issued by a federally insured depository financial institution, a foreign  
26 bank that is authorized under federal law to maintain a federal agency or federal  
27 branch office in a state or states, or a foreign bank that is authorized under state law to  
28 maintain a branch in a state that:

29 a. Bears an eligible rating or whose parent company bears an eligible rating; and  
30 b. Is regulated, supervised, and examined by United States federal or state  
31 authorities having regulatory authority over banks, credit unions, and trust companies;

32 (b) Be irrevocable, unconditional, and indicate that it is not subject to any  
33 condition or qualifications outside of the letter of credit;

34 (c) Not contain references to any other agreements, documents or entities, or  
35 otherwise provide for any security interest in the licensee; and

36 (d) Contain an issue date and expiration date, and expressly provide for  
37 automatic extension, without a written amendment, for an additional period of one year  
38 from the present or each future expiration date unless the issuer of the letter of credit  
39 notifies the director in writing by certified or registered mail or courier mail or other  
40 receipted means, at least sixty days prior to any expiration date, that the irrevocable  
41 letter of credit will not be extended.

42           **2. In the event of any notice of expiration or nonextension of a letter of credit**  
43 **issued under paragraph (d) of subdivision (4) of subsection 1 of this section, the licensee**  
44 **shall be required to demonstrate to the satisfaction of the director, fifteen days prior to**  
45 **expiration, that the licensee maintains and will maintain permissible investments in**  
46 **accordance with subsection 1 of section 361.1005 upon the expiration of the letter of**  
47 **credit. If the licensee is not able to do so, the director may draw on the letter of credit in**  
48 **an amount up to the amount necessary to meet the licensee's requirements to maintain**  
49 **permissible investments in accordance with subsection 1 of section 361.1005. Any such**  
50 **draw shall be offset against the licensee's outstanding money transmission obligations.**  
51 **The drawn funds shall be held in trust by the director or the director's designated agent,**  
52 **to the extent authorized by law, as agent for the benefit of the purchasers and holders of**  
53 **the licensee's outstanding money transmission obligations.**

54           **3. The letter of credit shall provide that the issuer of the letter of credit will**  
55 **honor, at sight, a presentation made by the beneficiary to the issuer of the following**  
56 **documents on or prior to the expiration date of the letter of credit:**

57           **(1) The original letter of credit, including any amendments; and**

58           **(2) A written statement from the beneficiary stating that any of the following**  
59 **events have occurred:**

60           **(a) The filing of a petition by or against the licensee under the United States**  
61 **Bankruptcy Code, 11 U.S.C. Sections 101-110, as amended or recodified from time to**  
62 **time, for bankruptcy or reorganization;**

63           **(b) The filing of a petition by or against the licensee for receivership, or the**  
64 **commencement of any other judicial or administrative proceeding for its dissolution or**  
65 **reorganization;**

66           **(c) The seizure of assets of a licensee by the director under an emergency order**  
67 **issued in accordance with applicable law, on the basis of an action, violation, or**  
68 **condition that has caused or is likely to cause the insolvency of the licensee; or**

69           **(d) The beneficiary has received notice of expiration or nonextension of a letter**  
70 **of credit and the licensee failed to demonstrate to the satisfaction of the beneficiary that**  
71 **the licensee will maintain permissible investments in accordance with subsection 1 of**  
72 **section 361.1005 upon the expiration or nonextension of the letter of credit.**

73           **4. The director may designate an agent to serve on the director's behalf as**  
74 **beneficiary to a letter of credit so long as the agent and letter of credit meet**  
75 **requirements established by the director. The director's agent may serve as agent for**  
76 **multiple licensing authorities for a single irrevocable letter of credit if the proceeds of**  
77 **the drawable amount for the purposes of this subsection are assigned to the director.**

78           **5. The director is authorized to participate in multistate processes designed to**  
79 **facilitate the issuance and administration of letters of credit including, but not limited**  
80 **to, services provided by the NMLS, State Regulatory Registry LLC or other third**  
81 **parties.**

82           **6. Unless permitted by the director by rule or by order to exceed the limit as set**  
83 **forth herein, the following investments are permissible under section 361.1005 to the**  
84 **extent specified:**

85           **(1) Receivables that are payable to a licensee from its authorized delegates in the**  
86 **ordinary course of business that are less than seven days old, up to fifty percent of the**  
87 **aggregate value of the licensee's total permissible investments. Of the receivables**  
88 **permissible under this subdivision, receivables that are payable to a licensee from a**  
89 **single authorized delegate in the ordinary course of business shall not exceed ten percent**  
90 **of the aggregate value of the licensee's total permissible investments;**

91           **(2) The following investments, up to twenty percent per category and combined**  
92 **up to fifty percent of the aggregate value of the licensee's total permissible investments:**

93           **(a) A short-term investment bearing an eligible rating. For purposes of this**  
94 **paragraph, "short-term" means up to six months;**

95           **(b) Commercial paper bearing an eligible rating;**

96           **(c) A bill, note, bond, or debenture bearing an eligible rating;**

97           **(d) United States triparty repurchase agreements collateralized at one hundred**  
98 **percent or more with United States government or agency securities, municipal bonds,**  
99 **or other securities bearing an eligible rating;**

100           **(e) Money market mutual funds rated less than "AAA" and equal to or higher**  
101 **than "A-" by Standard & Poor's, or the equivalent from any other eligible rating**  
102 **service; and**

103           **(f) A mutual fund or other investment fund composed solely and exclusively of**  
104 **one or more permissible investments listed in subdivisions (1) to (3) of subsection 1 of**  
105 **this section; and**

106           **(3) Cash, including demand deposits, savings deposits, and funds in such**  
107 **accounts held for the benefit of the licensee's customers, at foreign depository**  
108 **institutions to ten percent of the aggregate value of the licensee's total permissible**  
109 **investments if the licensee has received a satisfactory rating in its most recent**  
110 **examination and the foreign depository institution:**

111           **(a) Has an eligible rating;**

112           **(b) Is registered under the Foreign Account Tax Compliance Act;**

113           **(c) Is not located in any country subject to sanctions from the Office of Foreign**  
114 **Asset Control; and**

115 (d) Is not located in a high risk or noncooperative jurisdiction as designated by  
116 the Financial Action Task Force.

361.1011. 1. The director may suspend or revoke a license or order a licensee to  
2 revoke the designation of an authorized delegate if:

3 (1) The licensee violates sections 361.900 to 361.1035 or a rule adopted or an  
4 order issued under sections 361.900 to 361.1035;

5 (2) The licensee does not cooperate with an examination or investigation by the  
6 director;

7 (3) The licensee engages in fraud, intentional misrepresentation, or gross  
8 negligence;

9 (4) An authorized delegate is convicted of, or enters a plea of guilty or nolo  
10 contendere to a felony involving an act of fraud, dishonesty, a breach of trust, or money  
11 laundering, or violates a rule adopted or an order issued under sections 361.900 to  
12 361.1035 as a result of the licensee's willful misconduct or willful blindness;

13 (5) The competence, experience, character, or general fitness of the licensee,  
14 authorized delegate, person in control of a licensee, key individual, or responsible  
15 person of the authorized delegate indicates that it is not in the public interest to permit  
16 the person to provide money transmission;

17 (6) The licensee engages in an unsafe or unsound practice;

18 (7) The licensee is insolvent, suspends payment of its obligations, or makes a  
19 general assignment for the benefit of its creditors; or

20 (8) The licensee does not remove an authorized delegate after the director issues  
21 and serves upon the licensee a final order including a finding that the authorized  
22 delegate has violated sections 361.900 to 361.1035.

23 2. In determining whether a licensee is engaging in an unsafe or unsound  
24 practice, the director may consider the size and condition of the licensee's money  
25 transmission, the magnitude of the loss, the gravity of the violation of sections 361.900 to  
26 361.1035, and the previous conduct of the person involved.

361.1014. 1. The director may issue an order suspending or revoking the  
2 designation of an authorized delegate, if the director finds that:

3 (1) The authorized delegate violated sections 361.900 to 361.1035 or a rule  
4 adopted or an order issued under sections 361.900 to 361.1035;

5 (2) The authorized delegate did not cooperate with an examination or  
6 investigation by the director;

7 (3) The authorized delegate engaged in fraud, intentional misrepresentation, or  
8 gross negligence;

9           **(4) The authorized delegate has been convicted of, or pled guilty or nolo**  
10 **contendere to a felony involving an act of fraud, dishonesty, a breach of trust, or money**  
11 **laundering;**

12           **(5) The competence, experience, character, or general fitness of the authorized**  
13 **delegate or a person in control of the authorized delegate indicates that it is not in the**  
14 **public interest to permit the authorized delegate to provide money transmission; or**

15           **(6) The authorized delegate is engaging in an unsafe or unsound practice.**

16           **2. In determining whether an authorized delegate is engaging in an unsafe or**  
17 **unsound practice, the director may consider the size and condition of the authorized**  
18 **delegate's provision of money transmission, the magnitude of the loss, the gravity of the**  
19 **violation of sections 361.900 to 361.1035 or a rule adopted or order issued under sections**  
20 **361.900 to 361.1035, and the previous conduct of the authorized delegate.**

21           **3. An authorized delegate may apply for relief from a suspension or revocation**  
22 **of designation as an authorized delegate according to procedures prescribed by the**  
23 **director.**

**361.1017. 1. If the director determines that a violation of sections 361.900 to**  
2 **361.1035 or of a rule adopted or an order issued under sections 361.900 to 361.1035 by a**  
3 **licensee or authorized delegate is likely to cause immediate and irreparable harm to the**  
4 **licensee, its customers, or the public as a result of the violation, or cause insolvency or**  
5 **significant dissipation of assets of the licensee, the director may issue an order requiring**  
6 **the licensee or authorized delegate to cease and desist from the violation. The order**  
7 **becomes effective upon service to the licensee or authorized delegate.**

8           **2. The director may issue an order against a licensee to cease and desist from**  
9 **providing money transmission through an authorized delegate that is the subject of a**  
10 **separate order by the director.**

11           **3. An order to cease and desist remains effective and enforceable pending the**  
12 **completion of an administrative proceeding under chapter 536.**

13           **4. A licensee or an authorized delegate that is served with an order to cease and**  
14 **desist may petition the circuit court with jurisdiction for a judicial order setting aside,**  
15 **limiting, or suspending the enforcement, operation, or effectiveness of the order pending**  
16 **the completion of an administrative proceeding under chapter 536.**

17           **5. An order to cease and desist expires unless the director commences an**  
18 **administrative proceeding under chapter 536 within ten days after it is issued.**

**361.1020. The director may enter into a consent order at any time with a person**  
2 **to resolve a matter arising under sections 361.900 to 361.1035 or a rule adopted or order**  
3 **issued under sections 361.900 to 361.1035. A consent order shall be signed by the person**  
4 **to whom it is issued or by the person's authorized representative and shall indicate**

5 agreement with the terms contained in the order. A consent order may provide that it  
6 does not constitute an admission by a person that sections 361.900 to 361.1035 or a rule  
7 adopted or an order issued under sections 361.900 to 361.1035 has been violated.

361.1023. 1. A person that intentionally makes a false statement,  
2 misrepresentation, or false certification in a record filed or required to be maintained  
3 under sections 361.900 to 361.1035 or that intentionally makes a false entry or omits a  
4 material entry in such a record is guilty of a class E felony.

5 2. A person that knowingly engages in an activity for which a license is required  
6 under sections 361.900 to 361.1035 without being licensed under sections 361.900 to  
7 361.1035 and that receives more than five hundred dollars in compensation within a  
8 thirty-day period for this activity is guilty of a class E felony.

9 3. A person that knowingly engages in an activity for which a license is required  
10 under sections 361.900 to 361.1035 without being licensed under sections 361.900 to  
11 361.1035 and that receives no more than five hundred dollars in compensation within a  
12 thirty-day period for this activity is guilty of a class A misdemeanor.

361.1026. The director may assess a civil penalty against a person that violates  
2 sections 361.900 to 361.1035 or a rule adopted or an order issued under sections 361.900  
3 to 361.1035 in an amount not to exceed one thousand dollars per day for each day the  
4 violation is outstanding, plus this state's costs and expenses for the investigation and  
5 prosecution of the matter, including reasonable attorney's fees.

361.1029. 1. If the director has reason to believe that a person has violated or is  
2 violating section 361.930, the director may issue an order to show cause why an order to  
3 cease and desist shall not be issued requiring that the person cease and desist from the  
4 violation of section 361.930.

5 2. In an emergency, the director may petition the circuit court with jurisdiction  
6 for the issuance of a temporary restraining order under the rules of civil procedure.

7 3. An order to cease and desist becomes effective upon service to the person.

8 4. An order to cease and desist remains effective and enforceable pending the  
9 completion of an administrative proceeding under chapter 536.

10 5. A person that is served with an order to cease and desist for violating section  
11 361.930 may petition the circuit court with jurisdiction for a judicial order setting aside,  
12 limiting, or suspending the enforcement, operation, or effectiveness of the order pending  
13 the completion of an administrative proceeding under chapter 536.

14 6. An order to cease and desist expires unless the director commences an  
15 administrative proceeding within ten days after it is issued.

2 **361.1032. In applying and construing sections 361.900 to 361.1035, consideration**  
3 **shall be given to the need to promote uniformity of the law with respect to its subject**  
4 **matter among states that enact it.**

2 **361.1035. 1. A person licensed in this state to engage in the business of money**  
3 **transmission shall not be subject to the provisions of sections 361.900 to 361.1035 to the**  
4 **extent that they conflict with current law or establish new requirements not imposed**  
5 **under current law, until such time as the licensee renews the licensee's current license.**

6 **2. Notwithstanding subsection 1 of this section, a licensee shall be required only**  
7 **to amend its authorized delegate contracts for contracts entered into or amended after**  
8 **the effective date or the completion of any transition period contemplated under**  
9 **subsection 1 of this section. Nothing herein shall be construed as limiting an authorized**  
10 **delegate's obligations to operate in full compliance with sections 361.900 to 361.1035 as**  
11 **required by subsection 3 of section 361.975.**

2 **376.1345. 1. As used in this section, unless the context clearly indicates otherwise,**  
3 **terms shall have the same meaning as ascribed to them in section 376.1350.**

4 **2. No health carrier, nor any entity acting on behalf of a health carrier, shall restrict**  
5 **methods of reimbursement to health care providers for health care services to a**  
6 **reimbursement method requiring the provider to pay a fee, discount the amount of their**  
7 **claim for reimbursement, or remit any other form of remuneration in order to redeem the**  
8 **amount of their claim for reimbursement.**

9 **3. (1) If a health carrier [~~initiates or changes~~] proposes to initiate or change the**  
10 **method used to reimburse a health care provider to a method of reimbursement that will**  
11 **require the health care provider to pay a fee, discount the amount of its claim for**  
12 **reimbursement, or remit any other form of remuneration to the health carrier or any entity**  
13 **acting on behalf of the health carrier in order to redeem the amount of its claim for**  
14 **reimbursement, as described in subsection 2 of this section, the health carrier or an entity**  
15 **acting on its behalf shall first receive approval from the health care provider before**  
16 **reimbursing the health care provider with such payment method.**

17 **(2) If a health carrier is currently reimbursing a health care provider with a**  
18 **payment method described in subsection 2 of this section, the health care provider may**  
19 **send one notice to the health carrier for all the health care provider's patients covered**  
20 **by such health carrier stating that the health care provider declines to be reimbursed**  
21 **with a payment method described in subsection 2 of this section. Such notice shall**  
22 **remain in effect for the duration of the contract unless the health care provider requests**  
23 **otherwise in the manner described in paragraph (b) of subdivision (3) of this subsection.**  
24 **All payments made by the health carrier to the health care provider after receipt of the**  
25 **notice declining to be reimbursed with a payment method described in subsection 2 of**

25 **this section shall not require the health care provider to pay a fee, discount the amount**  
26 **of the provider's claim for reimbursement, or remit any other form of remuneration in**  
27 **order to redeem the amount of the provider's claim for reimbursement.**

28 **(3) A health carrier that proposes to reimburse a health care provider with a**  
29 **payment method described in subsection 2 of this section shall:**

30 ~~[(1)]~~ (a) Notify such health care provider of the fee, discount, or other remuneration  
31 required to receive reimbursement through the new or different reimbursement method; and

32 ~~[(2)]~~ (b) In such notice, provide clear instructions to the health care provider as to  
33 how to select ~~[an alternative]~~ **the payment method described in subsection 2 of this section,**  
34 and upon request **by the health care provider** such ~~[alternative]~~ payment method shall be  
35 ~~[used]~~ **allowed** to reimburse the provider until the provider requests otherwise.

36 4. A health carrier shall allow the provider to select to be reimbursed by an electronic  
37 funds transfer through the Automated Clearing House Network as required pursuant to 45  
38 C.F.R. Sections 162.925, 162.1601, and 162.1602, and if the provider makes such selection,  
39 the health carrier shall use such reimbursement method to reimburse the provider until the  
40 provider requests otherwise.

41 5. An amount a health carrier claims was overpaid to a provider may only be  
42 collected, withheld, or recouped from the provider, or third party that submitted the provider's  
43 claim under the third party's provider identification number, to whom the overpaid amount  
44 was originally paid. The notice of withholding or recoupment by a health carrier shall also  
45 inform the provider or third party of the health care service, date of service, and patient for  
46 which the recoupment is being made.

47 6. Violation of this section shall be deemed an unfair trade practice under sections  
48 375.930 to 375.948.

408.035. Notwithstanding the provisions of any other law to the contrary, it is lawful  
2 for the parties to agree in writing to any rate of interest, fees, and other terms and conditions  
3 in connection with any:

4 (1) Loan to a corporation, general partnership, limited partnership or limited liability  
5 company;

6 (2) Extension of credit primarily for agricultural, business, or commercial purposes;

7 (3) Real estate loan, other than residential real estate loans ~~[and loans of less than five~~  
8 ~~thousand dollars secured by real estate used for an agricultural activity]~~; or

9 (4) Loan of five thousand dollars or more secured solely by certificates of stock,  
10 bonds, bills of exchange, certificates of deposit, warehouse receipts, or bills of lading pledged  
11 as collateral for the repayment of such loans.

408.140. 1. No further or other charge or amount whatsoever shall be directly or  
2 indirectly charged, contracted for or received for interest, service charges or other fees as an



3 incident to any such extension of credit except as provided and regulated by sections 367.100  
4 to 367.200 and except:

5 (1) On loans for thirty days or longer which are other than "open-end credit" as such  
6 term is defined in the federal Consumer Credit Protection Act and regulations thereunder, a  
7 fee, not to exceed ten percent of the principal amount loaned not to exceed one hundred  
8 dollars may be charged by the lender; however, no such fee shall be permitted on any  
9 extension, refinance, restructure or renewal of any such loan, unless any investigation is made  
10 on the application to extend, refinance, restructure or renew the loan;

11 (2) The lawful fees actually and necessarily paid out by the lender to any public  
12 officer for filing, recording, or releasing in any public office any instrument securing the loan,  
13 and reasonable and bona fide third-party fees incurred for remote or electronic filing, which  
14 fees may be collected when the loan is made or at any time thereafter; however, premiums for  
15 insurance in lieu of perfecting a security interest required by the lender may be charged if the  
16 premium does not exceed the fees which would otherwise be payable;

17 (3) If the contract so provides, a charge for late payment on each installment or  
18 minimum payment in default for a period of not less than fifteen days in an amount not to  
19 exceed five percent of each installment due or the minimum payment due or fifteen dollars,  
20 whichever is greater, not to exceed fifty dollars. If the contract so provides, a charge for late  
21 payment on each twenty-five dollars or less installment in default for a period of not less than  
22 fifteen days shall not exceed five dollars;

23 (4) If the contract so provides, a charge for late payment for a single payment note in  
24 default for a period of not less than fifteen days in an amount not to exceed five percent of the  
25 payment due; provided that, the late charge for a single payment note shall not exceed fifty  
26 dollars;

27 (5) Charges or premiums for insurance written in connection with any loan against  
28 loss of or damage to property or against liability arising out of ownership or use of property as  
29 provided in section 367.170; however, notwithstanding any other provision of law, with the  
30 consent of the borrower, such insurance may cover property all or part of which is pledged as  
31 security for the loan, and charges or premiums for insurance providing life, health, accident,  
32 or involuntary unemployment coverage;

33 (6) Reasonable towing costs and expenses of retaking, holding, preparing for sale,  
34 and selling any personal property in accordance with the uniform commercial code - secured  
35 transactions, sections 400.9-101 to 400.9-809;

36 (7) A reasonable service fee not to exceed the amount permitted under subdivision (2)  
37 of subsection 6 of section 570.120 for any check, draft, order, or like instrument that is  
38 returned unpaid by a financial institution, plus an amount equal to the actual fees charged by  
39 the financial institution for each check, draft, order, or like instrument returned unpaid;

40 (8) If the contract or promissory note, signed by the borrower, provides for attorney  
41 fees, and if it is necessary to bring suit, such attorney fees may not exceed fifteen percent of  
42 the amount due and payable under such contract or promissory note, together with any court  
43 costs assessed. The attorney fees shall only be applicable where the contract or promissory  
44 note is referred for collection to an attorney, and is not handled by a salaried employee of the  
45 holder of the contract;

46 (9) If the open-end credit contract is tied to a transaction account in a depository  
47 institution, such account is in the institution's assets and such contract provides for loans of  
48 thirty-one days or longer which are "open-end credit", as such term is defined in the federal  
49 Consumer Credit Protection Act and regulations thereunder, the creditor may charge a credit  
50 advance fee of up to the lesser of seventy-five dollars or ten percent of the credit advanced  
51 from time to time from the line of credit; such credit advance fee may be added to the open-  
52 end credit outstanding along with any interest, and shall not be considered the unlawful  
53 compounding of interest as specified under section 408.120;

54 (10) A deficiency waiver addendum, guaranteed asset protection, or a similar product  
55 purchased as part of a loan transaction with collateral and at the borrower's consent, provided  
56 the cost of the product is disclosed in the loan contract, is reasonable, and the requirements of  
57 section 408.380 are met;

58 (11) A convenience fee for payments using an alternative payment channel that  
59 accepts a debit or credit card not present transaction, nonface-to-face payment, provided that:

60 (a) The person making the payment is notified of the convenience fee; and

61 (b) The fee is fixed or flat, except that the fee may vary based upon method of  
62 payment used; **and**

63 **(12) A charge equal to the cost of the credit report.**

64 2. Other provisions of law to the contrary notwithstanding, an open-end credit  
65 contract under which a credit card is issued by a company, financial institution, savings and  
66 loan or other credit issuing company whose credit card operations are located in Missouri  
67 may charge an annual fee, provided that no finance charge shall be assessed on new purchases  
68 other than cash advances if such purchases are paid for within twenty-five days of the date of  
69 the periodic statement therefor.

70 3. Notwithstanding any other provision of law to the contrary, in addition to charges  
71 allowed pursuant to section 408.100, an open-end credit contract provided by a company,  
72 financial institution, savings and loan or other credit issuing company which is regulated  
73 pursuant to this chapter may charge an annual fee not to exceed fifty dollars.

**427.300. 1. This section shall be known, and may be cited as, the "Commercial  
2 Financing Disclosure Law".**

3 **2. For purposes of this section, the following terms mean:**

4           **(1) "Account";**

5           **(a) Includes:**

6           **a. A right to payment of a monetary obligation, regardless of whether earned by**  
7 **performance, for one of the following:**

8           **(i) Property that has been or is to be sold, leased, licensed, assigned, or otherwise**  
9 **disposed of;**

10          **(ii) Services rendered or to be rendered;**

11          **(iii) A policy of insurance issued or to be issued;**

12          **(iv) A secondary obligation incurred or to be incurred;**

13          **(v) Energy provided or to be provided;**

14          **(vi) The use or hire of a vessel under a charter or other contract;**

15          **(vii) Arising out of the use of a credit or charge card or information contained on**  
16 **or for use with the card; or**

17          **(viii) As winnings in a lottery or other game of chance operated or sponsored by**  
18 **a state, governmental unit of a state, or person licensed or authorized to operate the**  
19 **game by a state or governmental unit of a state; and**

20          **b. Health-care-insurance receivables; and**

21          **(b) does not include:**

22           **a. Rights to payment evidenced by chattel paper or an instrument;**

23           **b. Commercial tort claims;**

24           **c. Deposit accounts;**

25           **d. Investment property;**

26           **e. Letter-of-credit rights or letters of credit; or**

27           **f. Rights to payment for moneys or funds advanced or sold, other than rights**  
28 **arising out of the use of a credit or charge card or information contained on or for use**  
29 **with the card;**

30          **(2) "Accounts receivable purchase transaction", any transaction in which the**  
31 **business forwards or otherwise sells to the provider all or a portion of the business's**  
32 **accounts or payment intangibles at a discount to their expected value. The provider's**  
33 **characterization of an accounts receivable purchase transaction as a purchase is**  
34 **conclusive that the accounts receivable purchase transaction is not a loan or a**  
35 **transaction for the use, forbearance, or detention of money;**

36          **(3) "Broker", any person who, for compensation or the expectation of**  
37 **compensation, obtains a commercial financing transaction or an offer for a commercial**  
38 **financing transaction from a third party that would, if executed, be binding upon that**  
39 **third party and communicates that offer to a business located in this state. The term**  
40 **"broker" excludes a provider, or any individual or entity whose compensation is not**

41 based or dependent on the terms of the specific commercial financing transaction  
42 obtained or offered;

43 (4) "Business", an individual or group of individuals, sole proprietorship,  
44 corporation, limited liability company, trust, estate, cooperative, association, or limited  
45 or general partnership engaged in a business activity;

46 (5) "Business purpose transaction", any transaction where the proceeds are  
47 provided to a business or are intended to be used to carry on a business and not for  
48 personal, family, or household purposes. For purposes of determining whether a  
49 transaction is a business purpose transaction, the provider may rely on any written  
50 statement of intended purpose signed by the business. The statement may be a separate  
51 statement or may be contained in an application, agreement, or other document signed  
52 by the business or the business owner or owners;

53 (6) "Commercial financing facility", a provider's plan for purchasing multiple  
54 accounts receivable from the recipient over a period of time pursuant to an agreement  
55 that sets forth the terms and conditions governing the use of the facility;

56 (7) "Commercial financing transaction", any commercial loan, accounts  
57 receivable purchase transaction, commercial open-end credit plan or each to the  
58 extent the transaction is a business purpose transaction;

59 (8) "Commercial loan", a loan to a business, whether secured or unsecured;

60 (9) "Commercial open-end credit plan", commercial financing extended by any  
61 provider under a plan in which:

62 (a) The provider reasonably contemplates repeat transactions; and

63 (b) The amount of financing that may be extended to the business during the  
64 term of the plan, up to any limit set by the provider, is generally made available to the  
65 extent that any outstanding balance is repaid;

66 (10) "Depository institution", any of the following:

67 (a) A bank, trust company, or industrial loan company doing business under the  
68 authority of, or in accordance with, a license, certificate, or charter issued by the United  
69 States, this state, or any other state, district, territory, or commonwealth of the United  
70 States that is authorized to transact business in this state;

71 (b) A federally chartered savings and loan association, federal savings bank, or  
72 federal credit union that is authorized to transact business in this state; or

73 (c) A savings and loan association, savings bank, or credit union organized  
74 under the laws of this or any other state that is authorized to transact business in this  
75 state;

76 (11) "General intangible", any personal property, including things in action,  
77 other than accounts, chattel paper, commercial tort claims, deposit accounts,

78 documents, goods, instruments, investment property, letter-of-credit rights, letters of  
79 credit, money, and oil, gas, or other minerals before extraction. "General intangible"  
80 also includes payment intangibles and software;

81 (12) "Payment intangible", a general intangible under which the account  
82 debtor's principal obligation is a monetary obligation;

83 (13) "Provider", a person who consummates more than five commercial  
84 financing transactions to a business located in this state in any calendar year.  
85 "Provider" also includes a person that enters into a written agreement with a depository  
86 institution to arrange for the extension of a commercial financing transaction by the  
87 depository institution to a business via an online lending platform administered by the  
88 person. The fact that a provider extends a specific offer for a commercial financing  
89 transaction on behalf of a depository institution shall not be construed to mean that the  
90 provider engaged in lending or financing or originated that loan or financing.

91 3. (1) A provider that consummates a commercial financing transaction shall  
92 disclose the terms of the commercial financing transaction as required by this section.  
93 The disclosures shall be provided at or before consummation of the transaction. Only  
94 one disclosure is required for each commercial financing transaction, and a disclosure is  
95 not required as a result of the modification, forbearance, or change to a consummated  
96 commercial financing transaction.

97 (2) A provider shall disclose the following in connection with each commercial  
98 financing transaction:

99 (a) The total amount of funds provided to the business under the terms of the  
100 commercial financing transaction agreement. This disclosure shall be labeled "Total  
101 Amount of Funds Provided";

102 (b) The total amount of funds disbursed to the business under the terms of the  
103 commercial financing transaction, if less than the total amount of funds provided, as a  
104 result of any fees deducted or withheld at disbursement and any amount paid to a third  
105 party on behalf of the business. This disclosure shall be labeled "Total Amount of Funds  
106 Disbursed";

107 (c) The total amount to be paid to the provider pursuant to the commercial  
108 financing transaction agreement. This disclosure shall be labeled "Total of Payments";

109 (d) The total dollar cost of the commercial financing transaction under the terms  
110 of the agreement, derived by subtracting the total amount of funds provided from the  
111 total of payments. This calculation shall include any fees or charges deducted by the  
112 provider from the "Total Amount of Funds Provided". This disclosure shall be labeled  
113 "Total Dollar Cost of Financing";

114 (e) The manner, frequency, and amount of each payment. This disclosure shall  
115 be labeled "Payments". If the payments may vary, the provider shall instead disclose  
116 the manner, frequency, and the estimated amount of the initial payment labeled  
117 "Estimated Payments" and the commercial financing transaction agreement shall  
118 include a description of the methodology for calculating any variable payment and the  
119 circumstances when payments may vary;

120 (f) A statement of whether there are any costs or discounts associated with  
121 prepayment of the commercial financing product including a reference to the paragraph  
122 in the agreement that creates the contractual rights of the parties related to prepayment.  
123 This disclosure shall be labeled "Prepayment"; and

124 (3) A provider that consummates a commercial financing facility may provide  
125 disclosures of this subsection which are based on an example of a transaction that could  
126 occur under the agreement. The example shall be based on an accounts receivable total  
127 face amount owed of ten thousand dollars. Only one disclosure is required for each  
128 commercial financing facility, and a disclosure is not required as result of a  
129 modification, forbearance, or change to the facility. A new disclosure is not required  
130 each time accounts receivable are purchased under the facility.

131 4. The provisions of this section shall not apply to the following:

132 (1) A provider that is a depository institution or a subsidiary or service  
133 corporation that is:

134 (a) Owned and controlled by a depository institution; and

135 (b) Regulated by a federal banking agency;

136 (2) A provider that is a lender regulated under the federal Farm Credit Act, 12  
137 U.S.C. Section 2001 et seq.;

138 (3) A commercial financing transaction that is:

139 (a) Secured by real property;

140 (b) A lease; or

141 (c) A purchase money obligation that is incurred as all or part of the price of the  
142 collateral or for value given to enable the business to acquire rights in or the use of the  
143 collateral if the value is in fact so used;

144 (4) A commercial financing transaction in which the recipient is a motor vehicle  
145 dealer or an affiliate of such a dealer, or a vehicle rental company, or an affiliate of such  
146 a company, pursuant to a commercial loan or commercial open-end credit plan of at  
147 least fifty thousand dollars or a commercial financing transaction offered by a person in  
148 connection with the sale or lease of products or services that such person manufactures,  
149 licenses, or distributes, or whose parent company or any of its directly or indirectly  
150 owned and controlled subsidiaries manufactures, licenses, or distributes;

151           **(5) A commercial financing transaction that is a factoring transaction, purchase,**  
152 **sale, advance, or similar of accounts receivable owed to a health care provider because**  
153 **of a patient's personal injury treated by the health care provider;**

154           **(6) A provider that is licensed as a money transmitter in accordance with a**  
155 **license, certificate, or charter issued by this state or any other state, district, territory, or**  
156 **commonwealth of the United States;**

157           **(7) A provider that consummates no more than five commercial financing**  
158 **transactions in this state in a twelve-month period; or**

159           **(8) A commercial financing transaction of more than five hundred thousand**  
160 **dollars.**

161           **5. (1) No person shall engage in business as a broker within this state for**  
162 **compensation, unless prior to conducting such business, the person has filed a**  
163 **registration with the division of finance within the department of commerce and**  
164 **insurance and has on file a good and sufficient bond as specified in this subsection. The**  
165 **registration shall be effective upon receipt by the division of finance of a completed**  
166 **registration form and the required registration fee, and shall remain effective until the**  
167 **time of renewal.**

168           **(2) After filing an initial registration form, a broker shall file, on or before**  
169 **January thirty-first of each year, a renewal registration form along with the required**  
170 **renewal registration fee.**

171           **(3) The broker shall pay a one-hundred-dollar registration fee upon the filing of**  
172 **an initial registration and a fifty-dollar renewal registration fee upon the filing of a**  
173 **renewal registration.**

174           **(4) The registration form required by this subsection shall include the following:**

175           **(a) The name of the broker;**

176           **(b) The name in which the broker is transacted if different from that stated in**  
177 **paragraph (a) of this subdivision;**

178           **(c) The address of the broker's principal office, which may be outside this state;**

179           **(d) Whether any officer, director, manager, operator, or principal of the broker**  
180 **has been convicted of a felony involving an act of fraud, dishonesty, breach of trust, or**  
181 **money laundering; and**

182           **(e) The name and address in this state of a designated agent upon whom service**  
183 **of process may be made.**

184           **(5) If information in a registration form changes or otherwise becomes**  
185 **inaccurate after filing, the broker shall not be required to file a further registration**  
186 **form prior to the time of renewal.**

187           **(6) Every broker shall obtain a surety bond issued by a surety company**  
188 **authorized to do business in this state. The amount of the bond shall be ten thousand**  
189 **dollars. The bond shall be in favor of the state of Missouri. Any person damaged by the**  
190 **broker's breach of contract or of any obligation arising therefrom, or by any violation of**  
191 **this section, may bring an action against the bond to recover damages suffered. The**  
192 **aggregate liability of the surety shall be only for actual damages and in no event shall**  
193 **exceed the amount of the bond.**

194           **(7) Employees regularly employed by a broker who has complied with this**  
195 **subsection shall not be required to file a registration or obtain a surety bond when**  
196 **acting within the scope of their employment for the broker.**

197           **6. (1) Any person who violates any provision of this section shall be punished by**  
198 **a fine of five hundred dollars per incident, not to exceed twenty thousand dollars for all**  
199 **aggregated violations arising from the use of the transaction documentation or materials**  
200 **found to be in violation of this section. Any person who violates any provision of this**  
201 **section after receiving written notice of a prior violation from the attorney general shall**  
202 **be punished by a fine of one thousand dollars per incident, not to exceed fifty thousand**  
203 **dollars for all aggregated violations arising from the use of the transaction**  
204 **documentation or materials found to be in violation of this section.**

205           **(2) Violation of any provision of this section shall not affect the enforceability or**  
206 **validity of the underlying agreement.**

207           **(3) This section shall not create a private right of action against any person or**  
208 **other entity based upon compliance or noncompliance with its provisions.**

209           **(4) Authority to enforce compliance with this section is vested exclusively in the**  
210 **attorney general of this state.**

211           **7. The requirements of subsections 3 and 5 of this section shall take effect upon**  
212 **either:**

213           **(1) Six months after the division of finance finalizes promulgating rules, if the**  
214 **division intends to promulgate rules; or**

215           **(2) February 28, 2025, if the division does not intend to promulgate rules.**

216           **8. The division of finance may promulgate rules implementing this section. If**  
217 **the division of finance intends to promulgate rules, it shall declare its intent to do so no**  
218 **later than February 28, 2025. Any rule or portion of a rule, as that term is defined in**  
219 **section 536.010, that is created under the authority delegated in this section shall**  
220 **become effective only if it complies with and is subject to all of the provisions of chapter**  
221 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**  
222 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**  
223 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**



224 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
225 **adopted after August 28, 2024, shall be invalid and void.**

442.210. 1. The certificate of acknowledgment shall state the act of  
2 acknowledgment, and that the person making the same was personally known to at least  
3 one judge of the court, or to the officer granting the certificate, to be the person whose name is  
4 subscribed to the instrument as a party thereto, or was proved to be such by at least two  
5 witnesses, whose names and places of residence shall be inserted in the certificate; and the  
6 following forms of acknowledgment may be used in the case of conveyances or other written  
7 instruments affecting real estate; and any acknowledgment so taken and certificate shall be  
8 sufficient to satisfy all requirements of law relating to the execution or recording of such  
9 instruments (begin in all cases by a caption, specifying the state and place where the  
10 acknowledgment is taken):

11 (1) In case of natural persons acting in their own right

12 On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me personally appeared A B (or A B  
13 and C D), to me known to be the person (or persons) described in and who executed the  
14 foregoing instrument, and acknowledged that he (or they) executed the same as his (or their)  
15 free act and deed.

16 (2) In the case of natural persons acting by attorney

17 On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me personally appeared A B, to me  
18 known to be the person who executed the foregoing instrument in behalf of C D, and  
19 acknowledged that he executed the same as the free act and deed of C D.

20 (3) In the case of corporations or joint stock associations

21 On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me appeared A B, to me personally  
22 known, who, being by me duly sworn (or affirmed) did say that he is the president (or other  
23 officer or agent of the corporation or association), of (describing the corporation or  
24 association), and that the seal affixed to foregoing instrument is the corporate seal of said  
25 corporation (or association), and that said instrument was signed and sealed in behalf of said  
26 corporation (or association) by authority of its board of directors (or trustees), and said A B  
27 acknowledged said instrument to be the free act and deed of said corporation (or association).

28 2. In case the corporation or association has no corporate seal, omit the words "the  
29 seal affixed to said instrument is the corporate seal of said corporation (or association), and  
30 that", and add at the end of the affidavit clause the words "and that said corporation (or  
31 association) has no corporate seal".

32 3. (In all cases add signature and title of the officer taking the acknowledgment.)

33 ~~[4. When a married woman unites with her husband in the execution of any such~~  
34 ~~instrument, and acknowledges the same in one of the forms above sanctioned, she shall be~~  
35 ~~described in the acknowledgment as his wife, but in all other respects her acknowledgment~~

36 shall be taken and certified as if she were sole; and no separate examination of a married  
 37 woman in respect to the execution of any release or dower, or other instrument affecting real  
 38 estate, shall be required.]

[361.700. 1. Sections 361.700 to 361.727 shall be known and may be  
 2 cited as the "Sale of Checks Law".

3 2. For the purposes of sections 361.700 to 361.727, the following  
 4 terms mean:-

5 (1) "Check", any instrument for the transmission or payment of money  
 6 and shall also include any electronic means of transmitting or paying money;

7 (2) "Director", the director of the division of finance;-

8 (3) "Licensee", any person duly licensed by the director pursuant to  
 9 sections 361.700 to 361.727;-

10 (4) "Person", any individual, partnership, association, trust or  
 11 corporation.]

[361.705. 1. No person shall issue checks in this state for a  
 2 consideration without first obtaining a license from the director; provided,  
 3 however, that sections 361.700 to 361.727 shall not apply to the receipt of  
 4 money by an incorporated telegraph company at any office or agency of such  
 5 company for immediate transmission by telegraph nor to any bank, trust  
 6 company, savings and loan association, credit union, or agency of the United  
 7 States government.

8 2. Any person who violates any of the provisions of sections 361.700  
 9 to 361.727 or attempts to sell or issue checks without having first obtained a  
 10 license from the director shall be deemed guilty of a class A misdemeanor.]

[361.707. 1. Each application for a license pursuant to sections  
 2 361.700 to 361.727 shall be in writing and under oath to the director in such  
 3 form as he may prescribe. The application shall state the full name and  
 4 business address of:

5 (1) The proprietor, if the applicant is an individual;

6 (2) Every member, if the applicant is a partnership or association;

7 (3) The corporation and each officer and director thereof, if the  
 8 applicant is a corporation.

9 2. Each application for a license shall be accompanied by an  
 10 investigation fee of three hundred dollars. If the license is granted the  
 11 investigation fee shall be applied to the license fee for the first year. No  
 12 investigation fee shall be refunded.]

[361.711. Each application for a license shall be accompanied by a  
 2 corporate surety bond in the principal sum of one hundred thousand dollars.  
 3 The bond shall be in form satisfactory to the director and shall be issued by a  
 4 bonding company or insurance company authorized to do business in this  
 5 state, to secure the faithful performance of the obligations of the applicant and  
 6 the agents and subagents of the applicant with respect to the receipt,  
 7 transmission, and payment of money in connection with the sale or issuance of

8 checks and also to pay the costs incurred by the division to remedy any breach  
 9 of the obligations of the applicant subject to the bond or to pay examination  
 10 costs of the division owed and not paid by the applicant. Upon license  
 11 renewal, the required amount of bond shall be as follows:

12 (1) For all licensees selling payment instruments or stored value cards,  
 13 five times the high outstanding balance from the previous year with a  
 14 minimum of one hundred thousand dollars and a maximum of one million  
 15 dollars;

16 (2) For all licensees receiving money for transmission, five times the  
 17 greatest amount transmitted in a single day during the previous year with a  
 18 minimum of one hundred thousand dollars and a maximum of one million  
 19 dollars.—

20  
 21 If in the opinion of the director the bond shall at any time appear to be  
 22 inadequate, insecure, exhausted, or otherwise doubtful, additional bond in  
 23 form and with surety satisfactory to the director shall be filed within fifteen  
 24 days after notice of the requirement is given to the licensee by the director. An  
 25 applicant or licensee may, in lieu of filing any bond required under this  
 26 section, provide the director with an irrevocable letter of credit, as defined in  
 27 section 400.5-103, issued by any state or federal financial institution.  
 28 Whenever in the director's judgment it is necessary or expedient, the  
 29 director may perform a special examination of any person licensed under  
 30 sections 361.700 to 361.727 with all authority under section 361.160 as though  
 31 the licensee were a bank. The cost of such examination shall be paid by the  
 32 licensee.]

2 [361.715. 1. Upon the filing of the application, the filing of a certified  
 3 audit, the payment of the investigation fee and the approval by the director of  
 4 the necessary bond, the director shall cause, investigate, and determine  
 5 whether the character, responsibility, and general fitness of the principals of  
 6 the applicant or any affiliates are such as to command confidence and warrant  
 7 belief that the business of the applicant will be conducted honestly and  
 8 efficiently and that the applicant is in compliance with all other applicable  
 9 state and federal laws. If satisfied, the director shall issue to the applicant a  
 10 license pursuant to the provisions of sections 361.700 to 361.727. In  
 11 processing a renewal license, the director shall require the same information  
 12 and follow the same procedures described in this subsection.

13 2. Each licensee shall pay to the director before the issuance of the  
 14 license, and annually thereafter on or before April fifteenth of each year, a  
 15 license fee of four hundred dollars.

16 3. The director may assess a reasonable charge, not to exceed four  
 hundred dollars, for any application to amend and reissue an existing license.]

2 [361.718. Every licensee shall at all times have on demand deposit in a  
 3 federally insured depository institution or in the form of cash on hand or in the  
 4 hands of his agents or in readily marketable securities an amount equal to all  
 5 outstanding unpaid checks sold by him or his agents in Missouri, in addition to  
 the amount of his bond. Upon demand by the director, licensees must

6 immediately provide proof of such funds or securities. The director may make  
7 such demand as often as reasonably necessary and shall make such demand to  
8 each licensee, without prior notice, at least twice each license year.]

2 [361.720. Each licensee may conduct business at one or more  
3 locations within this state and by means of employees, agents, subagents or  
4 representatives as such licensee may designate. No license under sections  
5 361.700 to 361.727 shall be required of any such employee, agent, subagent or  
6 representative who sells checks in behalf of a licensee. Each such agent,  
7 subagent or representative shall upon demand transfer and deliver to the  
8 licensee the proceeds of the sale of licensee's checks less the fees, if any, due  
such agent, subagent or representative.]

2 [361.723. Each licensee shall file with the director annually on or  
3 before April fifteenth of each year a statement listing the locations of the  
4 offices of the licensee and the names and locations of the agents or subagents  
5 authorized by the licensee to engage in the sale of checks of which the licensee  
is the issuer.]

2 [361.725. The director may at any time suspend or revoke a license,  
3 for any reason he might refuse to grant a license, for failure to pay an annual  
4 fee or for a violation of any provision of sections 361.700 to 361.727. No  
5 license shall be denied, revoked or suspended except on ten days' notice to the  
6 applicant or licensee. Upon receipt of such notice the applicant or licensee  
7 may, within five days of such receipt, make written demand for a hearing. The  
8 director shall thereafter hear and determine the matter in accordance with the  
provisions of chapter 536.]

2 [361.727. The director shall issue regulations necessary to carry out  
3 the intent and purposes of sections 361.700 to 361.727, pursuant to the  
provisions of section 361.105 and chapter 536.]

✓