

HCS SS SB 1359

FINANCIAL INSTITUTIONS

Section	Original Bill	Sponsor	Status as of 4/25/24	Description
374.190, 374.192, 375.1183, 380.621, and 380.631	SS SB 1359 Underlying Bill	Trent	Do Pass Insurance (H)	<p>INSURANCE DOCUMENTS (Sections 374.190 and 374.192)</p> <p>This bill specifies that certain confidentiality provisions will also apply to records used in market conduct investigations and actions from the Department of Commerce and Insurance (DCI).</p> <p>The bill states that regulated entities will have at least 30 calendar days to submit any record or material requested by the DCI, except for the Division of Consumer Affairs. Records maintained beyond the required retention period will not be required to be produced unless the Director has substantial and competent evidence the regulated entity committed a level 4 or 5 violation of the insurance laws of this state or a felony related to the business of insurance.</p> <p>DISPOSITION OF CERTAIN REINSURANCE CONTRACTS (Section 375.1183)</p> <p>This bill enacts provisions relating to the disposition of reinsurance contracts reinsuring policies of life or health insurance or annuities issued by insurers that have been placed into conservation, rehabilitation, or liquidation as provided in the Insurers Supervision.</p> <p>REHABILITATION AND LIQUIDATION (Section 375.1183)</p> <p>Reinsurance contracts held by the insurers placed in conservation or rehabilitation proceedings or liquidation will be continued or terminated as provided in the contract and as specified in the bill. Reinsurance contracts terminated pursuant to an order of liquidation will be subject to mandatory negotiation and arbitration procedures specified in the bill.</p> <p>A guaranty association may elect to assume the liquidated insurer's rights and obligations under reinsurance contracts within 180 days of the order of liquidation as specified in the bill. To facilitate this decision, the receiver and each affected reinsurer must make available copies of reinsurance contracts and related files and records, as well as notices of any defaults under the contracts or any known event or condition which could become a default.</p> <p>This bill specifies rights and duties of the guaranty association and reinsurers under the reinsurance contracts assumed by the guaranty association, including with regard to premium payments, payment of claims, resolution of disputes over amounts due, and termination or continuation of the contracts.</p>

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				<p>Enacts provisions relating to reinsurance requirements, DCI review of proposed mergers between mutual insurance companies, and examinations of mutual insurance companies by the DCI.</p> <p>Specifies what fees can be charged for the examination and how those fees are billed.</p> <p>Specifies when a mutual insurance company is considered "insolvent", and specifies that mutual insurance companies will be subject to the Insurers Supervision, Rehabilitation, and Liquidation Act with the exception of certain provisions, and will be subject to other provisions pertaining to the commencement of court proceedings by the Director of the DCI.</p>
208.151	HB 2875	Nickson-Clark	Do Pass Healthcare Reform (H)	Specifies that persons who receive breast or cervical cancer screening services of a type within the scope of such screening services as provided by Title XV of the Public Health Service Act and who otherwise meet eligibility requirements for MO HealthNet medical assistance for treatment of breast or cervical cancer are eligible for medical assistance regardless of whether the screening service was provided by a provider who receives or uses funds under that title.
303.425, 303.430, and 303.440	HCS HB 2453	Francis	Informal Perfection Calendar (H)	<p>Repeals the requirement that certain notices provided under the Motor Vehicle Financial Responsibility Enforcement and Compliance Incentive Program specify that the minimum penalty for a violation includes four license points (Section 303.425).</p> <p>Limits, to five years after implementation, the Department of Revenue's (DOR) obligation to provide the legislature with annual reports regarding the Motor Vehicle Financial Responsibility Enforcement and Compliance Incentive Program (Section 303.425).</p> <p>The bill specifies that an advisory council for the DOR's Motor Vehicle Financial Responsibility Verification System will serve in an advisory capacity as the DOR may request, and will expire one year after implementation of the Program (Section 303.430).</p> <p>The bill provides that the DOR's Motor Vehicle Financial Responsibility Verification System will be implemented no later than December 31, 2027 or as soon as technologically possible following development and maintenance of DOR's electronic titling and registration system, rather than January 1, 2025 (Section 303.440).</p>
361.900, 361.903, 361.906, 361.909,	HB 1478	Christ	Do Pass Financial Institutions (H)	This bill establishes the "Money Transmission Modernization Act of 2024" (MTMA) which replaces existing money transmission laws and ensures that states coordinate in areas of regulation and licensing to eliminate unnecessary regulatory burden, protect the public from financial crime, and protect customer funds. The bill provides for

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361.912, 361.915, 361.918, 361.921, 361.924, 361.927, 361.930, 361.933, 361.936, 361.939, 361.942, 361.945, 361.948, 361.951, 361.954, 361.957, 361.960, 361.963, 361.966, 361.969, 361.972, 361.975, 361.978, 361.981, 361.984, 361.987, 361.990, 361.996, 361.999, 361.1002, 361.1005, 361.1008, 361.1011, 361.1014, 361.1017, 361.1020, 361.1023, 361.1026				<p>uniformity with respect to the subject matter with other states that have enacted the MTMA (Sections 361.900, 361.903 and 361.1032, RSMo).</p> <p>DEFINITIONS AND EXEMPTIONS</p> <p>The MTMA contains several definitions as described in the bill, including "money", "outstanding money transmission obligations", "control", "average daily money transmission liability", "multistate licensing process", "passive investor", "payment instrument", and "payroll processing services". The MTMA eliminates technical differences between states that make compliance and reporting difficult for companies operating in multiple states.</p> <p>This bill sets forth exemptions from money transmitter licensing to promote consistency among states. The exemptions include, but are not limited to an operator of a payment system that provides processing, clearing, or settlement services between persons who are exempted under the bill; a person appointed as an agent of a payee to collect and process a payment from a payer to the payee for goods and services, other than money transmission itself; a person that acts as an intermediary between an entity and sender; the United States government; state, county, city or governmental agency of subdivision; federally insured depository financial institution; and person registered as a securities broker-dealer under federal or state securities laws. (Sections 361.906 and 361.909)</p> <p>DIRECTORS POWERS AND AUTHORITY (Sections 361.912, 361.915, 361.918 and 361.921)</p> <p>The bill tasks the Director of the Division of Finance within the Missouri Department of Commerce and Insurance with overseeing the claimed exemptions, entering into agreements with government officials; adopting analytical software systems, accepting from other federal and state government agencies licensing, examination or investigative reports and audit reports. The Director also has broad administrative authority as detailed in the bill.</p> <p>Protects the confidentiality of the information and explains the requirements on what information is regarded as protected and confidential.</p> <p>The Director is authorized to administer and enforce the provisions of the MTMA. The Director is also authorized to participate in multistate supervisory processes between the states and coordinated through the Conference of State Bank Supervisors and Money Transmitter Regulators Association.</p>
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<p>361.1029, 361.1032, and 361.1035</p>				<p>CONFLICT OF LAWS (Sections 361.927 and 361.1035)</p> <p>Inconsistencies between the provisions of MTMA and federal law governing money transmission shall be governed by federal law. A person licensed in Missouri to engage in the business of money transmission is not subject to the requirements of MTMA to the extent that they conflict with current law or establish new requirements not imposed under current law, until such time as the licensee renews the licensee's current license.</p> <p>LICENSING</p> <p>As specified in the bill, a person cannot engage in the business of money transmission or advertise, solicit, or hold itself out as providing money transmission unless the person is licensed. A license is not transferable or assignable.</p> <p>Enables multistate licensing, and the Director is encouraged to establish relationships and contracts with the Nationwide Multistate Licensing System and Registry (NMLS) for all aspects of licensing, and utilize their forms, processes, and functionalities accordingly.</p> <p>The Director is required to develop the form and provide a medium for the applicants to apply for a license. The contents of the application form are detailed in the bill. A nonrefundable application fee and license fee should accompany the license application.</p> <p>The Director is authorized to waive the licensing requirements or allow an applicant to submit other information in lieu of the required information. The bill details the items that any individual in control of a licensee, any individual that seeks to acquire control of a licensee, and each key individual is required to supply to the Director through NMLS. The bill contains time periods for when the Director must approve or deny a license which is 120 days after the application is determined to be complete.</p> <p>Provides for the term and expiration time period of the license. A license is renewed annually as specified in the bill. The bill also addresses the suspension or revocation of the license. Any person, or group of persons acting in concert, seeking to acquire control of a licensee shall obtain the written approval of the Commissioner prior to acquiring control as fully detailed and explained in the bill. A licensee that adds or replaces any key individual must follow the requirements set forth in the bill.</p> <p>A licensee is prohibited from conducting business of money transmission with an unlicensed or nonexempt person. A licensee and an authorized delegate shall file all reports required by federal currency reporting, record keeping, and suspicious activity reporting requirements as set forth in the Bank Secrecy Act and other federal and state</p>
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				<p>bill, for money received for transmission that contains certain information included in the bill. (Sections 361.984, 361.987 and 361.990)</p> <p>LICENSEE PROVIDING PAYROLL PROCESSING SERVICES</p> <p>The bill provides for the issuance of reports to clients detailing client payroll obligations in advance of the funds being deducted and making worker payroll stubs available. The bill specifies when the requirements are inapplicable to a licensee providing payroll processing services. (Section 361.996)</p> <p>FINANCIAL MATTERS</p> <p>A licensee is required to maintain tangible net worth of the greater of \$100,000 or 3% of total assets for the first \$100 million; 2% of additional assets for \$100 million to \$1 billion; and .05% of additional assets for over \$1 billion. Further, a licensee is required to provide a surety bond in the form satisfactory to the Director. A licensee is also required to maintain permissible investments that have a market value computed under the generally accepted accounting principles of not less than the aggregate amount of all of its outstanding money transmission obligations. The bill includes several detailed provisions relating to permissible investments. (Sections 361.999, 361.1002, 361.1005 and 361.1008)</p> <p>DIRECTORS ORDERS</p> <p>The bill specifies several instances when the Director may issue an order including but not limited to:</p> <ol style="list-style-type: none"> (1) The Director's order relating to suspension or revocation of an authorized delegate's designation based upon certain findings (Section 361.1014); (2) The Director's order for a licensee or authorized delegate to cease and desist based upon violations of the MTMA that cause immediate and irreparable harm (Section 361.1017); and (3) The Director may resolve matters through a consent order (Section 361.1020); and (4) The Director may issue an order to show cause. (Sections 361.1014, 361.1017, 361.1020 and 361.1029) <p>FINES AND PENALTIES</p> <p>The bill outlines the penalties associated with intentional making of a false statement, misrepresentation, or false certification of a record or false entry in the record. The Director may assess a civil penalty for violations under MTMA in an amount not to</p>
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				exceed \$1,000 per day for each day the violation is outstanding, plus costs, expenses and attorney's fees. (Sections 361.1023 and 361.1026)
379.1640	SB 927	Crawford	Do Pass Insurance and Banking Committee (S)	Increases, from \$5,000 to \$15,000, the maximum insurance coverage that may be offered by limited lines self-service storage insurance producers and their associates.
408.035, 408.140, and 442.210	HCS HB 2086	O'Donnell	Informal Perfection Calendar (H)	<p>This removes the ability of the parties to agree in writing to any rate of interest, fees, and other terms and conditions relating to loans of less than \$5,000 secured by real estate used for an agricultural activity. (408.035)</p> <p>The bill also authorizes the charge for the cost of the credit report as indicated in Section 408.140, RSMo. (Section 408.140)</p> <p>Under current law, if a married woman joins her husband in the execution of an instrument of acknowledgment relating to conveyances or written instruments of real estate, in the approved forms she is described in the acknowledgment as his wife, and no separate examination of a married woman in respect to the execution of a release or dower affecting real property is required. The bill repeals this provision. (Section 442.210)</p>
427.300	HB 2063	Owen	Informal Perfection Calendar (H)	<p>This bill creates the "Commercial Financing Disclosure Law".</p> <p>Defines a "provider" as a person who consummates more than five commercial financing products to a business located in Missouri in a calendar year.</p> <p>The provider will be required to make certain disclosures to the business with regard to the product. The disclosures are required at or before the consummation of the transaction. Specifically, the provider is required to disclose the following:</p> <p>(1) The total amount of funds provided to the business under the terms of the commercial financing product;</p> <p>(2) The total amount of funds disbursed to the business under the terms of the commercial financing product, if less than the total amount of funds provided, as a result of any fees deducted or withheld at disbursement and any amount paid to a third party on behalf of the business;</p> <p>(3) The total amount to be paid to the provider pursuant to the commercial financing product agreement;</p>

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				<p>(4) The total dollar cost of the commercial financing product under the terms of the agreement, obtained by subtracting the total amount of funds provided from the total of payments;</p> <p>(5) The manner, frequency and amount of each payment; and</p> <p>(6) A statement of whether there are any costs or discounts associated with prepayment of the commercial financing product.</p> <p>This contains various exemptions and includes provisions requiring all persons engaged in business as a commercial financing broker within the state to file a registration and post a surety bond in the amount of \$10,000 with the Division of Finance within the Department of Commerce and Insurance. Brokers must renew their registration on or before January 31st of each year.</p> <p>Violations of these provisions are punishable by a fine of \$500 per incident, not to exceed \$20,000 for all aggregated violations. Any person who violates any provision of this bill after receiving written notice of a prior violation from the Attorney General shall be subject to a fine of \$1,000 per incident, not to exceed \$50,000 for all aggregated violations arising from the use of the transaction documentation or materials found to be in violation of these provisions.</p> <p>Violation of any provision of this bill does not affect the enforceability or validity of the underlying agreement. This bill does not create a private cause of action against any person or entity based upon noncompliance with this bill.</p> <p>The Attorney General is given authority to enforce the provisions of this bill.</p> <p>The provisions requiring a provider to file a disclosure regarding a commercial financing transaction and a registration will be effective six months after the Division finalizes promulgating rules or February 28, 2025, if the Division does not intend to promulgate rules.</p>
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