

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 378, Page 2, Section 301.140, Line 37, by
2 inserting after the number "4." the number "(1)"; and

3
4 Further amend said bill, page, and section, Lines 39-40, by deleting said lines and inserting in lieu
5 thereof the following:

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7 "of a motor vehicle or trailer by a buyer for not more than thirty days, ~~for no more than~~
8 ~~ninety days if issued by a dealer selling the motor vehicle under the provisions of section 301.213,~~
9 or"; and

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11 Further amend said bill, page, and section, Line 45, by inserting after the word "upon" the phrase
12 "satisfaction of all applicable taxes under chapter 144, upon"; and

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14 Further amend said bill and section, Page 3, Line 78, by inserting after said line the following:

15
16 "(2) The provisions of subdivision (1) of this subsection requiring satisfaction of all
17 applicable taxes under chapter 144 shall become effective only upon notification by the director of
18 the department of revenue that implementation of such requirements are technologically feasible
19 following the development and maintenance of a modernized, integrated system for the titling of
20 vehicles, the issuance and renewal of vehicle registrations, the issuance and renewal of drivers'
21 licenses and identification cards, and the perfection and release of liens and encumbrances on
22 vehicles."; and

23
24 Further amend said bill and section, Page 6, Line 167, by inserting after said section and line the
25 following:

26
27 "301.558. 1. A motor vehicle dealer, trailer dealer, boat dealer, or powersport dealer may
28 fill in the blanks on standardized forms in connection with the sale or lease of a new or used motor
29 vehicle, trailer, vessel, or vessel trailer if the motor vehicle dealer, trailer dealer, boat dealer, or
30 powersport dealer does not charge for the services of filling in the blanks or otherwise charge for
31 preparing documents.

32 2. A motor vehicle dealer, trailer dealer, boat dealer, or powersport dealer may charge an
33 administrative fee in connection with the sale or lease of a new or used motor vehicle, trailer, vessel,
34 or vessel trailer for the storage of documents or any other administrative or clerical services not

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1 prohibited by this section. A portion of the administrative fee may result in profit to the motor
2 vehicle dealer, trailer dealer, boat dealer, or powersport dealer.

3 3. (1) Ten percent of any fee authorized under this section and charged by motor vehicle
4 dealers or trailer dealers shall be remitted to the motor vehicle administration technology fund
5 established in this subsection, for the development of the system specified in this subsection.
6 Following the development of the system specified in this subsection, the director of the department
7 of revenue shall notify motor vehicle dealers and trailer dealers, and implement the system, and the
8 percentage of any fee authorized under this section required to be remitted to the fund shall be
9 reduced to ~~[one]~~ three and one-half percent, which shall be used for maintenance of the system.
10 This subsection shall expire on January 1, 2037.

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

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

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

23 4. No motor vehicle dealer, trailer dealer, boat dealer, or powersport dealer that sells or
24 leases new or used motor vehicles, trailers, vessels, or vessel trailers and imposes an administrative
25 fee of five hundred dollars or less in connection with the sale or lease of a new or used motor
26 vehicle, trailer, vessel, or vessel trailer for the storage of documents or any other administrative or
27 clerical services shall be deemed to be engaging in the unauthorized practice of law. The maximum
28 administrative fee permitted under this subsection shall be increased annually by an amount equal to
29 the percentage change in the annual average of the Consumer Price Index for All Urban Consumers
30 or its successor index, as reported by the federal Bureau of Labor Statistics or its successor agency,
31 or by zero, whichever is greater. The director of the department of revenue shall annually furnish
32 the maximum administrative fee determined under this section to the secretary of state, who shall
33 publish such value in the Missouri Register as soon as practicable after January fourteenth of each
34 year.

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

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

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

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

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