

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 2180

103RD GENERAL ASSEMBLY

5542S.03C

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 105.963, 143.611, and 209.030, RSMo, and to enact in lieu thereof four new sections relating to mail sent by state departments.

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

Section A. Sections 105.963, 143.611, and 209.030, RSMo,  
2 are repealed and four new sections enacted in lieu thereof, to  
3 be known as sections 32.058, 105.963, 143.611, and 209.030, to  
4 read as follows:

32.058. 1. Notwithstanding any provision of law  
2 requiring the use of certified mail or registered mail to  
3 the contrary, including but not limited to provisions  
4 contained in chapters 32, 105, 135, 140, 142, 143, 144, 148,  
5 149, 238, 253, 301, 302, and 479, the director may choose to  
6 mail any document by first class mail to the intended  
7 recipient's last known address in lieu of certified mail or  
8 registered mail. If the director is otherwise statutorily  
9 required to use certified or registered mail to send a  
10 document, but chooses pursuant to this section to send such  
11 document by first class mail, and the director is  
12 subsequently notified by the United States Postal Service  
13 that the document is not deliverable to the intended  
14 recipient at the last known address for a reason other than  
15 refusal by the addressee, the director shall make one  
16 further attempt to reissue such document after attempting,

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 if necessary, to obtain an updated mailing address. Nothing  
18 in this section prohibits the director from making multiple  
19 additional attempts to reissue the document.

20 2. The delivery of a document using email, encrypted  
21 electronic message, or both, including by an attachment to  
22 such email or encrypted electronic message, shall satisfy  
23 any obligation of the director to send such document to the  
24 intended recipient by certified mail, registered mail, or  
25 any other method.

26 3. Notwithstanding any other provision of law to the  
27 contrary, in any action before the administrative hearing  
28 commission or a court of competent jurisdiction, the  
29 director shall bear the burden of proving the date any  
30 document has been sent to the taxpayer's last known address,  
31 and the period of time within which a taxpayer may appeal or  
32 otherwise respond to any such document shall begin on the  
33 date the document is sent. This provision shall not apply  
34 if the taxpayer fails to update the department with a new  
35 address within thirty days of any change of address.

36 4. As used in this section, the following terms mean:

37 (1) "Director", includes the director of revenue, the  
38 department of revenue, and any division thereof; and

39 (2) "Document", includes, but is not limited to, any  
40 notice, request, record, assessment, decision, order, letter  
41 ruling, agreement, or certificate, whether in electronic or  
42 non-electronic form.

105.963. 1. The executive director shall assess every  
2 committee, as defined in section 130.011, failing to file  
3 with a filing officer other than a local election authority  
4 as provided by section 130.026 a campaign disclosure report  
5 as required by chapter 130, other than the report required  
6 pursuant to subdivision (1) of subsection 1 of section

7 130.046, a late filing fee of ten dollars for each day after  
8 such report is due to the commission. The executive  
9 director shall [mail] **send** a notice[, by registered mail,]  
10 to any candidate and the treasurer of any committee who  
11 fails to file such report informing such person of such  
12 failure and the fees provided by this section. If the  
13 candidate or treasurer of any committee persists in such  
14 failure for a period in excess of thirty days beyond receipt  
15 of such notice, the amount of the late filing fee shall  
16 increase to one hundred dollars for each day that the report  
17 is not filed, provided that the total amount of such fees  
18 assessed pursuant to this subsection per report shall not  
19 exceed three thousand dollars.

20 2. (1) Any candidate for state or local office who  
21 fails to file a campaign disclosure report required pursuant  
22 to subdivision (1) of subsection 1 of section 130.046, other  
23 than a report required to be filed with a local election  
24 authority as provided by section 130.026, shall be assessed  
25 by the executive director a late filing fee of one hundred  
26 dollars for each day that the report is not filed, until the  
27 first day after the date of the election. After such  
28 election date, the amount of such late filing fee shall  
29 accrue at the rate of ten dollars per day that such report  
30 remains unfiled, except as provided in subdivision (2) of  
31 this subsection.

32 (2) The executive director shall [mail] **send** a  
33 notice[, by certified mail or other means to give actual  
34 notice,] to any candidate who fails to file the report  
35 described in subdivision (1) of this subsection informing  
36 such person of such failure and the fees provided by this  
37 section. If the candidate persists in such failure for a  
38 period in excess of thirty days beyond receipt of such

39 notice, the amount of the late filing fee shall increase to  
40 one hundred dollars for each day that the report is not  
41 filed, provided that the total amount of such fees assessed  
42 pursuant to this subsection per report shall not exceed six  
43 thousand dollars.

44 3. The executive director shall assess every person  
45 required to file a financial interest statement pursuant to  
46 sections 105.483 to 105.492 failing to file such a financial  
47 interest statement with the commission a late filing fee of  
48 ten dollars for each day after such statement is due to the  
49 commission. The executive director shall [mail] **send** a  
50 notice[, by certified mail,] to any person who fails to file  
51 such statement informing the individual required to file of  
52 such failure and the fees provided by this section. If the  
53 person persists in such failure for a period in excess of  
54 thirty days beyond receipt of such notice, the amount of the  
55 late filing fee shall increase to one hundred dollars for  
56 each day thereafter that the statement is late, provided  
57 that the total amount of such fees assessed pursuant to this  
58 subsection per statement shall not exceed six thousand  
59 dollars.

60 4. Any person assessed a late filing fee may seek  
61 review of such assessment or the amount of late filing fees  
62 assessed, at the person's option, by filing a petition  
63 within fourteen days after receiving [actual] notice of  
64 assessment with the administrative hearing commission, or  
65 without exhausting the person's administrative remedies may  
66 seek review of such issues with the circuit court of Cole  
67 County.

68 5. The executive director of the Missouri ethics  
69 commission shall collect such late filing fees as are  
70 provided for in this section. Unpaid late filing fees shall

71 be collected by action filed by the commission. The  
72 commission shall contract with the appropriate entity to  
73 collect such late filing fees after a thirty-day  
74 delinquency. If not collected within one hundred twenty  
75 days, the Missouri ethics commission shall file a petition  
76 in Cole County circuit court to seek a judgment on said  
77 fees. All late filing fees collected pursuant to this  
78 section shall be transmitted to the state treasurer and  
79 deposited to the general revenue fund.

80 6. The late filing fees provided by this section shall  
81 be in addition to any penalty provided by law for violations  
82 of sections 105.483 to 105.492 or chapter 130.

83 7. If any candidate fails to file a campaign  
84 disclosure report in a timely manner and that candidate is  
85 assessed a late filing fee, the candidate, candidate  
86 committee treasurer or assistant treasurer may file an  
87 appeal of the assessment of the late filing fee with the  
88 commission. The commission may forgive the assessment of  
89 the late filing fee upon a showing of good cause. Such  
90 appeal shall be filed within ten days of the receipt of  
91 notice of the assessment of the late filing fee.

143.611. 1. As soon as practical after the return is  
2 filed, the director of revenue shall examine it to determine  
3 the correct amount of tax. If the director of revenue finds  
4 that the amount of tax shown on the return is less than the  
5 correct amount, he shall notify the taxpayer of the amount  
6 of the deficiency proposed to be assessed. If the director  
7 of revenue finds that the tax paid is more than the correct  
8 amount, he shall credit the overpayment against any taxes  
9 due under sections 143.011 to 143.996 from the taxpayer and  
10 refund the difference. No deficiency shall be proposed and  
11 no refund shall be made pursuant to this or any section of

12 sections 143.011 to 143.996 unless the amount exceeds one  
13 dollar.

14 2. If the taxpayer fails to file an income tax return,  
15 the director of revenue shall estimate the taxpayer's  
16 taxable income and the tax thereon from any available  
17 information and notify the taxpayer of the amount proposed  
18 to be assessed as in the case of a deficiency.

19 3. The notice required by subsections 1 and 2 of this  
20 section, hereafter referred to as a notice of deficiency,  
21 shall set forth the reason for the proposed assessment. The  
22 notice of deficiency shall be mailed by [certified or  
23 registered] **regular first class** mail to the taxpayer at his  
24 last known address **or delivered electronically at the**  
25 **taxpayer's request.** In the case of a combined return, the  
26 notice of deficiency may be a single combined notice except  
27 that if the director of revenue is notified by either spouse  
28 that separate residences have been established he shall mail  
29 notices to each spouse. If the taxpayer is deceased, is  
30 under a legal disability, or, in the case of a corporation,  
31 has terminated its existence, a notice of deficiency may be  
32 mailed to his last known address unless the director of  
33 revenue has received notice of the existence and address of  
34 a person to receive notices with respect to such taxpayer.

209.030. 1. Every adult blind person, eighteen years  
2 of age or over, of good moral character who shall have been  
3 a resident of the state of Missouri for one year or more  
4 next preceding the time of making application for the  
5 pension herein provided and every adult blind person  
6 eighteen years of age or over who may have lost his or her  
7 sight while a bona fide resident of this state and who has  
8 been a continuous resident thereof since such loss of sight,  
9 shall be entitled to receive, when enrolled under the

10 provisions of sections 209.010 to 209.160, an annual pension  
11 as provided for herein, payable in equal monthly  
12 installments, provided, that no such person shall be  
13 entitled to or be paid a blind pension who:

14 (1) Owns property or has an interest in property to  
15 the value of thirty thousand dollars or more, or if married  
16 and actually living with husband or wife, if the value of  
17 his or her interest in property, together with that of such  
18 husband or wife, exceeds said amount; provided that, the  
19 first one hundred thousand dollars in an individual's ABLE  
20 account under sections 209.600 to 209.645 shall be excluded  
21 from such asset limit; provided, further, that in  
22 determining the total value of property owned, the real  
23 estate occupied by the blind person or spouse as the home,  
24 shall be excluded;

25 (2) Obtains, maintains, or renews a valid driver's  
26 license in this or any other state or territory, unless such  
27 license has been relinquished to the department of revenue  
28 and the person provides satisfactory proof of such  
29 relinquishment to the department of social services. The  
30 department of social services shall notify eligible blind  
31 persons with valid driver's licenses that they shall  
32 surrender such licenses within sixty days of approval for a  
33 blind pension. Upon receipt of a relinquished license under  
34 this subdivision, the department of revenue shall, if  
35 requested by the person, issue a nondriver's license card  
36 compliant with the provisions of chapter 302 at no charge to  
37 the person. The department of social services and the  
38 department of revenue shall jointly establish procedures and  
39 shall share any information necessary to implement this  
40 subdivision;

41           (3) Operates a motor vehicle with or without a valid  
42 driver's license;

43           (4) Has a sighted spouse resident in this state who  
44 upon the investigation of the family support division may be  
45 found to be able to provide for the reasonable support of  
46 such applicant if the sighted spouse's annual income is  
47 equal to or greater than five hundred percent of the federal  
48 poverty level for each state fiscal year;

49           (5) Publicly solicits alms in any manner or through  
50 any artifice in any part of this state;

51           (6) Is maintained in a private or endowed institution  
52 or is an inmate of a public institution, except as a patient  
53 in a public medical institution[;], provided[, ] that  
54 benefits shall not be paid to a blind person under sixty-  
55 five years of age, who is a patient in an institution for  
56 mental diseases or tuberculosis. In order to comply with  
57 federal laws and regulations and state plans in making  
58 payments to or on behalf of mentally ill individuals sixty-  
59 five years of age, or over, who are patients in a state  
60 mental institution, the family support division shall  
61 require agreements or other arrangements with the  
62 institution to provide a framework for cooperation and to  
63 assure that state plan requirements and federal laws and  
64 regulations relating to such payment will be observed. In  
65 the event the federal laws or regulations will not permit  
66 approval of the state plan for benefit payments to or on  
67 behalf of an individual who is sixty-five years of age, or  
68 over, and is a patient in a state institution for mental  
69 diseases, this portion of this subdivision shall be  
70 inoperative until approval of a state plan is obtained;

71           (7) Is otherwise not blind and not eligible for a  
72 blind pension under this chapter; or

73 (8) Pleads guilty or has been found to have violated  
74 section 209.140.

75 2. Any applicant for or any recipient of a blind  
76 pension who does not submit, without good cause or as  
77 otherwise specified by the department of social services, to  
78 a vision test as required under section 209.040 within  
79 thirty days of a request by the department shall not be  
80 eligible for a blind pension and the department shall  
81 terminate payment after notice and an opportunity for a  
82 hearing.

83 3. The applicant for or recipient of a blind pension  
84 shall inform the department of any change of address or  
85 other contact information and any other change of  
86 circumstances that may impact the applicant or recipient's  
87 eligibility for a blind pension within ten days of the  
88 change. Any notice served on the applicant or recipient  
89 shall be sent by [certified] mail delivered by the United  
90 States Postal Service at the applicant's or recipient's  
91 address of record and shall be deemed service for all  
92 purposes under sections 209.010 to 209.160, **except that for**  
93 **any notice of adverse actions being taken against the**  
94 **applicant or recipient to be deemed service for all purposes**  
95 **under sections 209.010 to 209.160, such notice shall also be**  
96 **sent by certified mail delivered by the United States Postal**  
97 **Service at the applicant's or recipient's address of**  
98 **record. Adverse actions shall include, but are not limited**  
99 **to, setting a hearing date, terminating payments, and other**  
100 **significant actions the department can take against the**  
101 **applicant or recipient under sections 209.010 to 209.160.**

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