

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 355
95TH GENERAL ASSEMBLY

Reported from the Committee on Jobs, Economic Development and Local Government, March 12, 2009, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

1861S.03C

AN ACT

To amend chapter 301, RSMo, by adding thereto one new section relating to certain administrative fees associated with the sale of motor vehicles, vessels, and other types of vehicles.

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

Section A. Chapter 301, RSMo, is amended by adding thereto one new
2 section, to be known as section 301.558, to read as follows:

**301.558. 1. A motor vehicle dealer, boat dealer, or powersport
2 dealer may fill in the blanks on standardized forms in connection with
3 the sale or lease of a new or used motor vehicle, vessel, or vessel trailer
4 if the motor vehicle dealer, boat dealer, or powersport dealer does not
5 charge for the services of filling in the blanks or otherwise charge for
6 preparing documents.**

7 **2. A motor vehicle dealer, boat dealer, or powersport dealer may
8 charge an administrative fee in connection with the sale or lease of a
9 new or used motor vehicle, vessel, or vessel trailer for the storage of
10 documents or any other administrative or clerical services not
11 prohibited by this section. A portion of the administrative fee may
12 result in profit to the motor vehicle dealer, boat dealer, or powersport
13 dealer.**

14 **3. No motor vehicle dealer, boat dealer, or powersport dealer
15 that sells or leases new or used motor vehicles, vessels, or vessel
16 trailers and imposes an administrative fee of less than two hundred
17 dollars in connection with the sale or lease of a new or used vehicle,
18 vessel, or vessel trailer for the storage of documents or any other
19 administrative or clerical services shall be deemed to be engaging in
20 the unauthorized practice of law. The two-hundred-dollar fee limit
21 imposed under this subsection shall be adjusted annually based on the**

22 rate of inflation according to the consumer price index.

23 4. If an administrative fee is charged under this section, the
24 administrative fee shall be charged to all retail customers and disclosed
25 on the retail buyer's order form as a separate itemized charge.

26 5. A preliminary worksheet on which a sale price is computed
27 and that is shown to the purchaser, a retail buyer's order form from the
28 purchaser, or a retail installment contract shall include, in reasonable
29 proximity to the place on the document where the administrative fee
30 authorized by this section is disclosed, the amount of the
31 administrative fee and the following notice in type that is bold-faced,
32 capitalized, underlined, or otherwise conspicuously set out from the
33 surrounding written material:

34 "AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE
35 AND IS NOT REQUIRED BY LAW BUT MAY BE CHARGED
36 BY A DEALER. THIS ADMINISTRATIVE FEE MAY
37 RESULT IN A PROFIT TO DEALER. NO PORTION OF
38 THIS ADMINISTRATIVE FEE IS FOR THE DRAFTING,
39 PREPARATION, OR COMPLETION OF DOCUMENTS OR
40 THE PROVIDING OF LEGAL ADVICE. THIS NOTICE IS
41 REQUIRED BY LAW."

42 6. The general assembly believes that an administrative fee
43 charged in compliance with this section is not the unauthorized
44 practice of law or the unauthorized business of law so long as the
45 activity or service for which the fee is charged is in compliance with
46 the provisions of this section and does not result in the waiver of any
47 rights or remedies. Recognizing, however, that the judiciary is the sole
48 arbitrator of what constitutes the practice of law, in the event that a
49 court determines that an administrative fee charged in compliance with
50 this section, and that does not waive any rights or remedies of the
51 buyer, is the unauthorized practice of law or the unauthorized business
52 of law, then no person who paid that administrative fee may recover
53 said fee or treble damages, as permitted under section 484.020, RSMo,
54 and no person who charged that fee shall be guilty of a misdemeanor,
55 as provided under section 484.020, RSMo.