

SECOND REGULAR SESSION

SENATE BILL NO. 777

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Pre-filed December 11, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4054S.03I

AN ACT

To repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to department of revenue fee offices.

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

Section A. Section 136.055, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 136.055, to read as follows:

136.055. 1. Any person who is selected or appointed by the state director
2 of revenue as provided in subsection 2 of this section to act as an agent of the
3 department of revenue, whose duties shall be the processing of motor vehicle title
4 and registration transactions and the collection of sales and use taxes when
5 required under sections 144.070 and 144.440, and who receives no salary from the
6 department of revenue, shall be authorized to collect from the party requiring
7 such services additional fees as compensation in full and for all services rendered
8 on the following basis:

9 (1) For each motor vehicle or trailer registration issued, renewed or
10 transferred, six dollars and twelve dollars for those licenses sold or biennially
11 renewed pursuant to section 301.147;

12 (2) For each application or transfer of title, six dollars;

13 (3) For each instruction permit, nondriver license, chauffeur's, operator's
14 or driver's license issued for a period of three years or less, six dollars and twelve
15 dollars for licenses or instruction permits issued or renewed for a period
16 exceeding three years;

17 (4) For each notice of lien processed, six dollars;

18 (5) Notary fee or electronic transmission per processing, two dollars.

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

19 2. **(1)** The director of revenue shall award fee office contracts under this
20 section through a competitive bidding process. [The competitive bidding process
21 shall give priority to organizations and entities that are exempt from taxation
22 under Section 501(c)(3), 501(c)(6), or 501(c)(4), except those civic organizations
23 that would be considered action organizations under 26 C.F.R. Section 1.501
24 (c)(3)-1(c)(3), of the Internal Revenue Code of 1986, as amended, with special
25 consideration given to those organizations and entities that reinvest a minimum
26 of seventy-five percent of the net proceeds to charitable organizations in Missouri,
27 and political subdivisions, including but not limited to, municipalities, counties,
28 and fire protection districts.] The director of the department of revenue [may]
29 **shall** promulgate rules and regulations necessary to carry out the provisions of
30 this subsection. Any rule or portion of a rule, as that term is defined in section
31 536.010, that is created under the authority delegated in this subsection shall
32 become effective only if it complies with and is subject to all of the provisions of
33 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
34 nonseverable and if any of the powers vested with the general assembly pursuant
35 to chapter 536 to review, to delay the effective date, or to disapprove and annul
36 a rule are subsequently held unconstitutional, then the grant of rulemaking
37 authority and any rule proposed or adopted after August 28, 2009, shall be
38 invalid and void.

39 **(2) Rules promulgated pursuant to subdivision (1) of this**
40 **subsection shall include a preference for the following factors in the**
41 **following order of importance:**

42 **(a) Persons and entities that currently operate one or more fee**
43 **offices pursuant to this section and that are in compliance with the**
44 **rules promulgated pursuant to subdivision (1) of this subsection. If the**
45 **department utilizes any scoring mechanism for evaluating bids**
46 **pursuant to this subsection, such scoring mechanism shall ensure a**
47 **person or entity meeting the criteria of this paragraph shall be**
48 **awarded a bonus of ten percent of the total available points;**

49 **(b) Persons and entities that are based in the county in which**
50 **the fee office will be located;**

51 **(c) Persons and entities that are exempt from taxation under 26**
52 **U.S.C. Section 501(c)(3), 501(c)(6), or 501(c)(4), except those civic**
53 **organizations that would be considered action organizations under 26**
54 **CFR Section 1.501 (c)(3)-1(c)(3), of the Internal Revenue Code of 1986,**

55 as amended; and

56 (d) Persons and entities that reinvest a minimum of seventy-five
57 percent of the net proceeds to charitable organizations in Missouri.

58 (3) No fee office contract shall be awarded to any person or
59 entity:

60 (a) That is not in compliance with the rules promulgated
61 pursuant to this subsection; or

62 (b) That is not a resident of this state. For the purposes of this
63 subdivision, "resident" shall have the same meaning as defined pursuant
64 to section 143.101. In the case of for-profit corporations, each person
65 with an ownership interest in such organization with the right to
66 manage the company or direct its operations either solely or as part of
67 a larger group shall be a resident of this state.

68 (4) The department of revenue shall submit an annual report to
69 the general assembly that provides information on each fee office
70 contract awarded by the department, including the performance of
71 each entity awarded a contract on any scoring mechanism used by the
72 department for evaluating bids.

73 3. All fees collected by a tax-exempt organization may be retained and
74 used by the organization.

75 4. All fees charged shall not exceed those in this section. The fees
76 imposed by this section shall be collected by all permanent offices and all
77 full-time or temporary offices maintained by the department of revenue.

78 5. Any person acting as agent of the department of revenue for the sale
79 and issuance of registrations, licenses, and other documents related to motor
80 vehicles shall have an insurable interest in all license plates, licenses, tabs, forms
81 and other documents held on behalf of the department.

82 6. The fees authorized by this section shall not be collected by motor
83 vehicle dealers acting as agents of the department of revenue under section
84 32.095 or those motor vehicle dealers authorized to collect and remit sales tax
85 under subsection 10 of section 144.070.

86 7. Notwithstanding any other provision of law to the contrary, the state
87 auditor may audit all records maintained and established by the fee office in the
88 same manner as the auditor may audit any agency of the state, and the
89 department shall ensure that this audit requirement is a necessary condition for
90 the award of all fee office contracts. No confidential records shall be divulged in

91 such a way to reveal personally identifiable information.

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Unofficial

Bill

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