

SENATE AMENDMENT NO. 1

Offered by Koenig of 15

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Amend SCS/Senate Bill No. 4, Page 1, Section title, Line 3,

2 by striking "motor vehicle financial responsibility" and
3 inserting in lieu thereof the following: "transportation";
4 and

5 Further amend said bill and page, Section A, Line 4, by
6 inserting after all of said line the following:

7 "301.558. 1. A motor vehicle dealer, boat dealer, or
8 powersport dealer may fill in the blanks on standardized
9 forms in connection with the sale or lease of a new or used
10 motor vehicle, vessel, or vessel trailer if the motor
11 vehicle dealer, boat dealer, or powersport dealer does not
12 charge for the services of filling in the blanks or
13 otherwise charge for preparing documents.

14 2. A motor vehicle dealer, boat dealer, or powersport
15 dealer may charge an administrative fee in connection with
16 the sale or lease of a new or used motor vehicle, vessel, or
17 vessel trailer for the storage of documents or any other
18 administrative or clerical services not prohibited by this
19 section. A portion of the administrative fee may result in
20 profit to the motor vehicle dealer, boat dealer, or
21 powersport dealer.

22 3. No motor vehicle dealer, boat dealer, or powersport
23 dealer that sells or leases new or used motor vehicles,
24 vessels, or vessel trailers and imposes an administrative
25 fee of [less than two] five hundred dollars or less in
26 connection with the sale or lease of a new or used vehicle,

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27 vessel, or vessel trailer for the storage of documents or
28 any other administrative or clerical services shall be
29 deemed to be engaging in the unauthorized practice of law.
30 The maximum administrative fee permitted under this
31 subsection shall be increased annually by an amount equal to
32 the percentage change in the annual average of the Consumer
33 Price Index for All Urban Consumers or its successor index,
34 as reported by the federal Bureau of Labor Statistics or its
35 successor agency, or by zero, whichever is greater. The
36 director of the department of revenue shall annually furnish
37 the maximum administrative fee determined under this section
38 to the secretary of state, who shall publish such value in
39 the Missouri register as soon as practicable after January
40 fourteenth of each year.

41 4. If an administrative fee is charged under this
42 section, the same administrative fee shall be charged to all
43 retail customers [and] unless the fee is limited by the
44 dealer's franchise agreement to certain classes of
45 customers. The fee shall be disclosed on the retail buyer's
46 order form as a separate itemized charge.

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

56 "AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE
57 AND IS NOT REQUIRED BY LAW BUT MAY BE CHARGED BY
58 A DEALER. THIS ADMINISTRATIVE FEE MAY RESULT IN
59 A PROFIT TO DEALER. NO PORTION OF THIS

60 ADMINISTRATIVE FEE IS FOR THE DRAFTING,
61 PREPARATION, OR COMPLETION OF DOCUMENTS OR THE
62 PROVIDING OF LEGAL ADVICE. THIS NOTICE IS
63 REQUIRED BY LAW."

64 6. The general assembly believes that an
65 administrative fee charged in compliance with this section
66 is not the unauthorized practice of law or the unauthorized
67 business of law so long as the activity or service for which
68 the fee is charged is in compliance with the provisions of
69 this section and does not result in the waiver of any rights
70 or remedies. Recognizing, however, that the judiciary is
71 the sole arbitrator of what constitutes the practice of law,
72 in the event that a court determines that an administrative
73 fee charged in compliance with this section, and that does
74 not waive any rights or remedies of the buyer, is the
75 unauthorized practice of law or the unauthorized business of
76 law, then no person who paid that administrative fee may
77 recover said fee or treble damages, as permitted under
78 section 484.020, and no person who charged that fee shall be
79 guilty of a misdemeanor, as provided under section
80 484.020."; and

81 Further amend the title and enacting clause accordingly.