

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 46
AN ACT

To repeal sections 301.558 and 307.380, RSMo, and to enact in lieu thereof two new sections relating to vehicles.

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

Section A. Sections 301.558 and 307.380, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 301.558 and 307.380, to read as follows:

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

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

16 3. (1) Ten percent of any fee authorized under this
17 section and charged by motor vehicle dealers shall be
18 remitted to the motor vehicle administration technology fund
19 established in this subsection, for the development of the
20 system specified in this subsection. Following the
21 development of the system specified in this subsection, the

22 director of the department of revenue shall notify motor
23 vehicle dealers and implement the system, and the percentage
24 of any fee authorized under this section required to be
25 remitted to the fund shall be reduced to one percent, which
26 shall be used for maintenance of the system. This
27 subsection shall expire on January 1, 2037.

28 (2) There is hereby created in the state treasury the
29 "Motor Vehicle Administration Technology Fund", which shall
30 consist of money collected as specified in this subsection.
31 The state treasurer shall be custodian of the fund. In
32 accordance with sections 30.170 and 30.180, the state
33 treasurer may approve disbursements. The fund shall be a
34 dedicated fund and money in the fund shall be used solely by
35 the department of revenue for the purpose of development and
36 maintenance of a modernized, integrated system for the
37 titling of vehicles, issuance and renewal of vehicle
38 registrations, issuance and renewal of driver's licenses and
39 identification cards, and perfection and release of liens
40 and encumbrances on vehicles.

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

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

49 4. No motor vehicle dealer, boat dealer, or powersport
50 dealer that sells or leases new or used motor vehicles,
51 vessels, or vessel trailers and imposes an administrative
52 fee of [less than two] five hundred dollars or less in
53 connection with the sale or lease of a new or used vehicle,
54 vessel, or vessel trailer for the storage of documents or

55 any other administrative or clerical services shall be
56 deemed to be engaging in the unauthorized practice of law.
57 The maximum administrative fee permitted under this
58 subsection shall be increased annually by an amount equal to
59 the percentage change in the annual average of the Consumer
60 Price Index for All Urban Consumers or its successor index,
61 as reported by the federal Bureau of Labor Statistics or its
62 successor agency, or by zero, whichever is greater. The
63 director of the department of revenue shall annually furnish
64 the maximum administrative fee determined under this section
65 to the secretary of state, who shall publish such value in
66 the Missouri register as soon as practicable after January
67 fourteenth of each year.

68 [4.] 5. If an administrative fee is charged under this
69 section, the same administrative fee shall be charged to all
70 retail customers [and] unless the fee is limited by the
71 dealer's franchise agreement to certain classes of
72 customers. The fee shall be disclosed on the retail buyer's
73 order form as a separate itemized charge.

74 [5.] 6. A preliminary worksheet on which a sale price
75 is computed and that is shown to the purchaser, a retail
76 buyer's order form from the purchaser, or a retail
77 installment contract shall include, in reasonable proximity
78 to the place on the document where the administrative fee
79 authorized by this section is disclosed, the amount of the
80 administrative fee and the following notice in type that is
81 boldfaced, capitalized, underlined, or otherwise
82 conspicuously set out from the surrounding written material:

83 "AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE
84 AND IS NOT REQUIRED BY LAW BUT MAY BE CHARGED BY
85 A DEALER. THIS ADMINISTRATIVE FEE MAY RESULT IN
86 A PROFIT TO DEALER. NO PORTION OF THIS
87 ADMINISTRATIVE FEE IS FOR THE DRAFTING,

88 PREPARATION, OR COMPLETION OF DOCUMENTS OR THE
89 PROVIDING OF LEGAL ADVICE. THIS NOTICE IS
90 REQUIRED BY LAW."

91 [6.] 7. The general assembly believes that an
92 administrative fee charged in compliance with this section
93 is not the unauthorized practice of law or the unauthorized
94 business of law so long as the activity or service for which
95 the fee is charged is in compliance with the provisions of
96 this section and does not result in the waiver of any rights
97 or remedies. Recognizing, however, that the judiciary is
98 the sole arbitrator of what constitutes the practice of law,
99 in the event that a court determines that an administrative
100 fee charged in compliance with this section, and that does
101 not waive any rights or remedies of the buyer, is the
102 unauthorized practice of law or the unauthorized business of
103 law, then no person who paid that administrative fee may
104 recover said fee or treble damages, as permitted under
105 section 484.020, and no person who charged that fee shall be
106 guilty of a misdemeanor, as provided under section 484.020.

307.380. 1. Every vehicle of the type required to be
2 inspected upon having been involved in an accident and when
3 so directed by a police officer must be inspected and an
4 official certificate of inspection and approval, sticker,
5 seal or other device be obtained for such vehicle before it
6 is again operated on the highways of this state. At the
7 seller's expense every used motor vehicle of the type
8 required to be inspected by section 307.350[, whether new or
9 used,] shall immediately prior to sale be fully inspected
10 regardless of any current certificate of inspection and
11 approval, and an appropriate new certificate of inspection
12 and approval, sticker, seal or other device shall be
13 obtained.

14 2. Nothing contained in the provisions of this section
15 shall be construed to prohibit a dealer or any other person
16 from selling a vehicle without a certificate of inspection
17 and approval if the vehicle is sold for junk, salvage, or
18 for rebuilding, or for vehicles sold at public auction or
19 from dealer to dealer. The purchaser of any vehicle which
20 is purchased for junk, salvage, or for rebuilding, shall
21 give to the seller an affidavit, on a form prescribed by the
22 superintendent of the Missouri state highway patrol, stating
23 that the vehicle is being purchased for one of the reasons
24 stated herein. No vehicle of the type required to be
25 inspected by section 307.350 which is purchased as junk,
26 salvage, or for rebuilding shall again be registered in this
27 state until the owner has submitted the vehicle for
28 inspection and obtained an official certificate of
29 inspection and approval, sticker, seal or other device for
30 such vehicle.

31 3. Notwithstanding the provisions of section 307.390,
32 violation of this section shall be deemed an infraction.