

# SENATE BILL NO. 836

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

4093S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 381.410, RSMo, and to enact in lieu thereof one new section relating to funds used for real estate transactions.

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

Section A. Section 381.410, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 381.410,  
3 to read as follows:

381.410. As used in this section and section 381.412,  
2 the following terms mean:

3 (1) "Cashier's check", a check, however labeled, drawn  
4 on the financial institution, which is signed only by an  
5 officer or employee of such institution, is a direct  
6 obligation of such institution, and is provided to a  
7 customer of such institution or acquired from such  
8 institution for remittance purposes;

9 (2) "Certified funds", United States currency, funds  
10 conveyed by a cashier's check, certified check, **or** teller's  
11 check, as defined in Federal Reserve Regulations CC, or  
12 **funds conveyed by wire transfers[, including]**  
13 **unconditionally received by the settlement agent or the**  
14 **agent's depository, or funds conveyed by a real-time payment**  
15 **system, including but not limited to RTP and Fed Now, for**  
16 **which a settlement agent receives** written advice from a  
17 financial institution that collected funds have been  
18 credited to the settlement agent's account;

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

19           (3) "Director", the director of the department of  
20 commerce and insurance, unless the settlement agent's  
21 primary regulator is another department. When the  
22 settlement agent is regulated by such department, that  
23 department shall have jurisdiction over this section and  
24 section 381.412;

25           (4) "Financial institution":

26           (a) A person or entity doing business under the laws  
27 of this state or the United States relating to banks, trust  
28 companies, savings and loan associations, credit unions,  
29 commercial and consumer finance companies, industrial loan  
30 companies, insurance companies, small business investment  
31 corporations licensed under the Small Business Investment  
32 Act of 1958, 15 U.S.C. Section 661, et seq., as amended, or  
33 real estate investment trusts as defined in 26 U.S.C.  
34 Section 856, as amended, or institutions constituting the  
35 Farm Credit System under the Farm Credit Act of 1971, 12  
36 U.S.C. Section 2000, et seq., as amended; or

37           (b) A mortgage loan company or mortgage banker doing  
38 business under the laws of this state or the United States  
39 which is subject to licensing, supervision, or auditing by  
40 the Federal National Mortgage Association, or the Federal  
41 Home Loan Mortgage Corporation, or the United States  
42 Veterans' Administration, or the Government National  
43 Mortgage Association, or the United States Department of  
44 Housing and Urban Development, or a successor of any of the  
45 foregoing agencies or entities, as an approved seller or  
46 servicer, if their principal place of business is in  
47 Missouri or a state which is contiguous to Missouri;

48           (5) "Settlement agent", a person, corporation,  
49 partnership, or other business organization which accepts  
50 funds and documents as fiduciary for the buyer, seller or

51 lender for the purposes of closing a sale of an interest in  
52 real estate located within the state of Missouri, and is not  
53 a financial institution, or a member in good standing of the  
54 Missouri Bar, or a person licensed under chapter 339.

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