

SECOND REGULAR SESSION

[PERFECTED]

SENATE BILL NO. 1020

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

5535S.01P

KRISTINA MARTIN, Secretary

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Section A. Section 136.055, RSMo, is repealed and one new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

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

12 (1) For each motor vehicle registration issued,
13 renewed, or transferred:

14 (a) Nine dollars for annual registration; or

15 (b) Eighteen dollars for biennial registration;

16 (2) For each trailer registration issued, renewed, or
17 transferred:

18 (a) Nine dollars for annual registration;

19 (b) Twenty-seven dollars for three-year registration;

20 or

21 (c) Forty-five dollars for permanent registration;

22 (3) For each application or transfer of title, nine
23 dollars;

24 (4) For each instruction permit, nondriver license,
25 chauffeur's, operator's or driver's license issued for a
26 period of three years or less, nine dollars and eighteen
27 dollars for licenses or instruction permits issued or
28 renewed for a period exceeding three years;

29 (5) For each notice of lien processed, nine dollars;

30 (6) Notary fee or electronic transmission per
31 processing, two dollars.

32 2. The director of revenue shall award fee office
33 contracts under this section through a competitive bidding
34 process. The competitive bidding process shall give
35 priority to organizations and entities that are exempt from
36 taxation under Section 501(c)(3), 501(c)(6), or 501(c)(4),
37 except those civic organizations that would be considered
38 action organizations under 26 C.F.R. Section 1.501(c)(3)-
39 1(c)(3), of the Internal Revenue Code of 1986, as amended,
40 with special consideration given to those organizations and
41 entities that reinvest a minimum of seventy-five percent of
42 the net proceeds to charitable organizations in Missouri,
43 and political subdivisions, including but not limited to,
44 municipalities, counties, and fire protection districts. **If**
45 **no competitive bids are received, the director of revenue**
46 **shall have the authority to enter into a contract with a**
47 **political subdivision, service organization, or other**

48 **reputable business to become the agent and such entity shall**
49 **be authorized to carry out the services for the department**
50 **pursuant to this section.** Notwithstanding any provision of
51 law to the contrary, the director of revenue shall not award
52 any fee office contract under this section to any entity
53 affiliated in any manner with a current employee of the
54 department of revenue or with a former employee of the
55 department of revenue for the one-year period following the
56 former employee's termination of employment with the
57 department. For purposes of this subsection, "affiliated in
58 any manner" includes owning the entity or serving as an
59 officer or board member of such entity. Additionally, no
60 person affiliated in any manner with an entity awarded a fee
61 office contract under this section shall be affiliated in
62 any manner with an entity acting as a motor vehicle title
63 service agent as prescribed in sections 301.112 to 301.119.
64 The director of the department of revenue may promulgate
65 rules and regulations necessary to carry out the provisions
66 of this subsection. Any rule or portion of a rule, as that
67 term is defined in section 536.010, that is created under
68 the authority delegated in this subsection shall become
69 effective only if it complies with and is subject to all of
70 the provisions of chapter 536 and, if applicable, section
71 536.028. This section and chapter 536 are nonseverable and
72 if any of the powers vested with the general assembly
73 pursuant to chapter 536 to review, to delay the effective
74 date, or to disapprove and annul a rule are subsequently
75 held unconstitutional, then the grant of rulemaking
76 authority and any rule proposed or adopted after August 28,
77 2009, shall be invalid and void.

78 3. Notwithstanding any other provision of law to the
79 contrary, the director of revenue shall have the authority

80 to enter into a contract amendment or renewal, for any
81 contract for a fee office awarded through the competitive
82 bidding process after September 1, 2009, to extend such
83 contract for up to a five-year period to begin after the
84 expiration date of such contract. The director of revenue
85 shall evaluate performance under the contract when deciding
86 whether to enter into contract amendments or renewals
87 authorized in this subsection. Nothing shall obligate the
88 director to offer such extension or renewal. A
89 competitively awarded contract may only be extended once
90 pursuant to this subsection.

91 4. All fees authorized under this section collected by
92 a contract fee office may be retained and used by the entity
93 operating the contract fee office, and all fees authorized
94 under this section collected by a fee office operated by the
95 department of revenue shall be considered state revenue.

96 5. All fees charged shall not exceed those in this
97 section. The fees authorized under this section shall be
98 collected by all contract fee offices and shall be collected
99 by all full-time or temporary offices operated by the
100 department of revenue.

101 6. Any person acting as agent of the department of
102 revenue for the sale and issuance of registrations,
103 licenses, and other documents related to motor vehicles
104 shall have an insurable interest in all license plates,
105 licenses, tabs, forms and other documents held on behalf of
106 the department.

107 7. The fees authorized by this section shall not be
108 collected by motor vehicle dealers acting as agents of the
109 department of revenue under section 32.095 or those motor
110 vehicle dealers authorized to collect and remit sales tax
111 under subsection 10 of section 144.070.

112 8. Notwithstanding any other provision of law to the
113 contrary, the state auditor may audit all records maintained
114 and established by the fee office in the same manner as the
115 auditor may audit any agency of the state, and the
116 department shall ensure that this audit requirement is a
117 necessary condition for the award of all fee office
118 contracts. No confidential records shall be divulged in
119 such a way to reveal personally identifiable information.

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