

FIRST REGULAR SESSION  
[CORRECTED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 137**  
**98TH GENERAL ASSEMBLY**

0724H.02C

D. ADAM CRUMBLISS, Chief Clerk

---

**AN ACT**

To repeal sections 34.042 and 136.055, RSMo, and to enact in lieu thereof two new sections relating to competitive bidding.

---

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

Section A. Sections 34.042 and 136.055, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 34.042 and 136.055, to read as follows:

34.042. 1. When the commissioner of administration determines that the use of competitive bidding is either not practicable or not advantageous to the state, supplies may be procured by competitive proposals. The commissioner shall state the reasons for such determination, and a report containing those reasons shall be maintained with the vouchers or files pertaining to such purchases. All purchases in excess of five thousand dollars to be made under this section shall be based on competitive proposals.

2. On any purchase where the estimated expenditure shall be twenty-five thousand dollars or over, the commissioner of administration shall:

(1) Advertise for proposals in at least two daily newspapers of general circulation in such places as are most likely to reach prospective offerors and may advertise in at least two weekly minority newspapers and may provide such information through an electronic medium available to the general public at least five days before proposals for such purchases are to be opened. Other methods of advertisement, however, may be adopted by the commissioner of administration when such other methods are deemed more advantageous for the supplies to be purchased;

(2) Post notice of the proposed purchase; and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           (3) Solicit proposals by mail or other reasonable method generally available to the public  
18 from prospective offerors. All proposals for such supplies shall be mailed or delivered to the  
19 office of the commissioner of administration so as to reach such office before the time set for  
20 opening proposals. Proposals shall be opened in a manner to avoid disclosure of contents to  
21 competing offerors during the process of negotiation.

22           3. The contract shall be let to the lowest and best offeror as determined by the evaluation  
23 criteria established in the request for proposal and any subsequent negotiations conducted  
24 pursuant to this subsection. In determining the lowest and best offeror, as provided in the request  
25 for proposals and under rules promulgated by the commissioner of administration, negotiations  
26 may be conducted with responsible offerors who submit proposals selected by the commissioner  
27 of administration on the basis of reasonable criteria for the purpose of clarifying and assuring full  
28 understanding of and responsiveness to the solicitation requirements. Those offerors shall be  
29 accorded fair and equal treatment with respect to any opportunity for negotiation and subsequent  
30 revision of proposals. Revisions may be permitted after submission and before award for the  
31 purpose of obtaining best and final offers. In conducting negotiations there shall be no disclosure  
32 of any information derived from proposals submitted by competing offerors. The commissioner  
33 of administration shall have the right to reject any or all proposals and advertise for new  
34 proposals or purchase the required supplies on the open market if they can be so purchased at a  
35 better price.

36           4. **The director of the department of revenue shall follow bidding procedures as**  
37 **contained in this section and may promulgate rules necessary to establish such procedures.**  
38 **No points shall be awarded on a request for proposal for a contract license office to a**  
39 **bidder for a return-to-the-state provision offer.**

40           5. The commissioner shall make available, upon request, to any members of the general  
41 assembly, information pertaining to competitive proposals, including the names of bidders and  
42 the amount of each bidder's offering for each contract.

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

8           (1) For each motor vehicle or trailer registration issued, renewed or transferred--three  
9 dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant  
10 to section 301.147;

- 11 (2) For each application or transfer of title--two dollars and fifty cents;
- 12 (3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's  
13 license issued for a period of three years or less--two dollars and fifty cents and five dollars for  
14 licenses or instruction permits issued or renewed for a period exceeding three years;
- 15 (4) For each notice of lien processed--two dollars and fifty cents;
- 16 (5) No notary fee or other fee or additional charge shall be paid or collected except for  
17 electronic telephone transmission reception--two dollars.
- 18 2. The director of revenue shall award fee office contracts under this section through a  
19 competitive bidding process **under section 34.042**. The competitive bidding process shall give  
20 priority to organizations and entities that are exempt from taxation under Section 501(c)(3) or  
21 501(c)(6) of the Internal Revenue Code of 1986, as amended, and political subdivisions,  
22 including but not limited to, municipalities, counties, and fire protection districts. The director  
23 of the department of revenue **shall not consider any offer to provide the state a portion of the**  
24 **fees collected as part of the competitive bidding process and no preference points shall be**  
25 **awarded on a request for proposal for a contract license office to a bidder for a return-to-**  
26 **the-state provision offer. The director** may promulgate rules and regulations necessary to  
27 carry out the provisions of this subsection. Any rule or portion of a rule, as that term is defined  
28 in section 536.010, that is created under the authority delegated in this subsection shall become  
29 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
30 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the  
31 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
32 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
33 rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid  
34 and void.
- 35 3. All fees collected by a tax-exempt organization may be retained and used by the  
36 organization.
- 37 4. All fees charged shall not exceed those in this section. The fees imposed by this  
38 section shall be collected by all permanent offices and all full-time or temporary offices  
39 maintained by the department of revenue.
- 40 5. Any person acting as agent of the department of revenue for the sale and issuance of  
41 registrations, licenses, and other documents related to motor vehicles shall have an insurable  
42 interest in all license plates, licenses, tabs, forms and other documents held on behalf of the  
43 department.
- 44 6. The fees authorized by this section shall not be collected by motor vehicle dealers  
45 acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers  
46 authorized to collect and remit sales tax under subsection 8 of section 144.070.

47           7. Notwithstanding any other provision of law to the contrary, the state auditor may audit  
48 all records maintained and established by the fee office in the same manner as the auditor may  
49 audit any agency of the state, and the department shall ensure that this audit requirement is a  
50 necessary condition for the award of all fee office contracts. No confidential records shall be  
51 divulged in such a way to reveal personally identifiable information.

✓