

# HOUSE BILL NO. 1278

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE UNSICKER.

3208H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To amend chapter 137, RSMo, by adding thereto one new section relating to the taxation of property, with a delayed effective date.

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

Section A. Chapter 137, RSMo, is amended by adding thereto one new section, to be known as section 137.776, to read as follows:

**137.776. 1. As used in this section, the following terms mean:**

**(1) "Assessor", the county assessor as provided under chapter 53;**

**(2) "Certificate of value", a form reporting whether the transaction was at arm's length and:**

**(a) The actual or intended use of the property and, for any deed that is not a gift, the amount of the full actual consideration therefor, paid or to be paid, including the amount of any lien or liens thereon; or**

**(b) The reason or reasons why any information required under paragraph (a) of this subdivision is not required, as set forth in this section;**

**(3) "Real property", property which, in the most recent assessment before the property's transfer, was assessed as residential property or as utility, industrial, commercial, railroad, or other real property as defined under section 137.016;**

**(4) "Recorder", the recorder of deeds as provided under chapter 59.**

**2. Unless the deed or instrument indicates that a completed certificate of value has been delivered to an assessor, no recorder shall accept for recording any deed or instrument that grants, assigns, transfers, or otherwise conveys or vests any interest in real property within this state to any person or persons. The state tax commission shall**

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.

18 **determine the manner in which a certificate makes such indication. The assessor shall file**  
19 **any certificate of value the assessor receives.**

20 **3. The following persons are responsible for the delivery of a certificate of value:**

21 **(1) The grantee of the deed or instrument, or any responsible officer or agent of a**  
22 **grantee that is a corporation, partnership, or other entity; or**

23 **(2) The attorney, real estate agent or broker, title company, or responsible officer**  
24 **or agent thereof who represents the grantee or delivers the deed or instrument to the**  
25 **recorder.**

26 **4. The grantee or the grantee's legal representative shall, in the certificate of value,**  
27 **affirm the veracity of the stated value of the transferred real property.**

28 **5. The state tax commission shall provide an adequate supply of blank certificates**  
29 **of value without charge to each recorder in the state.**

30 **6. An assessor shall make certificates of value available to the state tax commission**  
31 **or its representatives.**

32 **7. The financial data required on the certificate of value under this section need not**  
33 **be provided in the certificate of value for the transfer of interest in real property if:**

34 **(1) The consideration for the interest is less than one hundred dollars;**

35 **(2) The transfer is solely to provide or release security for a debt or obligation;**

36 **(3) The transfer confirms or corrects a deed previously recorded;**

37 **(4) The transfer is between husband and wife or parent and child with only**  
38 **nominal actual consideration;**

39 **(5) The transfer is made in settlement of a dissolution of marriage;**

40 **(6) The transfer is made under a sale for delinquent taxes;**

41 **(7) The transfer is made in the closing or liquidation of an estate or guardianship**  
42 **estate;**

43 **(8) The transfer is a partition;**

44 **(9) The transfer is made by a subsidiary corporation to its parent corporation for**  
45 **no consideration, nominal consideration, or in sole consideration of the cancellation or**  
46 **surrender of the subsidiary's stock;**

47 **(10) The transfer is made in the foreclosure of a deed of trust or other security**  
48 **interest;**

49 **(11) The instrument was executed before January 1, 2021;**

50 **(12) The instrument is a mining or mineral lease;**

51 **(13) The real property is a cemetery lot;**

52 **(14) The transfer is ordered by any court;**

53           **(15) The transfer is to or from the United States; the state of Missouri; or any other**  
54 **instrumentality, agency, or political subdivision thereof; or**

55           **(16) The property is located in a political subdivision that has established, by**  
56 **ordinance or amendment, its own system that requires certificates of value and, in such**  
57 **political subdivision, all certificates of value are made available to the state tax commission**  
58 **or its representatives.**

59           **8. Except as provided under subsections 1 to 7 of this section, no current or former**  
60 **assessor, current or former state tax commissioner, or any current or former deputy,**  
61 **employee, or agent of such assessor or commissioner shall disclose any information**  
62 **received as a result of the filing of a certificate of value required under this section. Any**  
63 **information received as a result of the filing of a certificate of value as required under this**  
64 **section shall be closed records and shall be exempt from disclosure, examination, and**  
65 **copying under chapter 610.**

66           **9. Nothing in this section shall be construed to prohibit:**

67           **(1) The use of information contained in a certificate of value by the assessor for**  
68 **statistical purposes in implementing a plan of general reassessment, as defined under**  
69 **section 137.073, or implementing an assessment and equalization maintenance plan under**  
70 **section 137.115;**

71           **(2) The use of information contained in a certificate of value by the state tax**  
72 **commission in developing ratios as required under chapter 163 or for other statistical**  
73 **purposes or public proceedings;**

74           **(3) The release of information contained in a certificate of value to a party who**  
75 **originally delivered the certificate of value or such party's duly authorized representative**  
76 **upon receipt of a written request;**

77           **(4) The publication by the state tax commission of statistics classified so as to**  
78 **prevent the identification of particular certificates of value; or**

79           **(5) The disclosure of certificates of value or information related thereto by the**  
80 **assessor upon receipt of a written request from the state auditor or the auditor's**  
81 **authorized employees or agents who have taken the oath of confidentiality required under**  
82 **section 29.070 or the publication or disclosure by the state auditor of information**  
83 **concerning such certificates of value, provided no information in a particular certificate**  
84 **of value is disclosed.**

85           **10. No deed shall be filed without a certificate of value.**

86           **11. A fee of ten dollars shall be imposed for filing a certificate of value and shall be**  
87 **payable at the time of filing.**

          Section B. The enactment of section 137.776 of this act shall become effective on  
2 January 1, 2021.

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