

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1023**  
**101ST GENERAL ASSEMBLY**

2194H.02C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal section 301.558, RSMo, and to enact in lieu thereof one new section relating to vehicles.

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

Section A. Sections 301.558, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.558, to read as follows:

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

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

3. **(1) Ten percent of any fee authorized under this section and charged by motor vehicle dealers shall be remitted to the motor vehicle administration technology fund established in this subsection, for the development of the system specified in this subsection. Following the development of the system specified in this subsection, the director of the department of revenue shall notify motor vehicle dealers and implement the system, and the percentage of any fee authorized under this section required to be remitted to the fund shall be reduced to one percent, which shall be used for maintenance of the system. This subsection shall expire on January 1, 2037.**

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           **(2) There is hereby created in the state treasury the "Motor Vehicle Administration**  
19 **Technology Fund", which shall consist of money collected as specified in this subsection.**  
20 **The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and**  
21 **30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund**  
22 **and money in the fund shall be used solely by the department of revenue for the purpose**  
23 **of development and maintenance of a modernized, integrated system for the titling of**  
24 **vehicles, issuance and renewal of vehicle registrations, issuance and renewal of driver's**  
25 **licenses and identification cards, and perfection and release of liens and encumbrances on**  
26 **vehicles.**

27           **(3) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**  
28 **remaining in the fund at the end of the biennium shall not revert to the credit of the**  
29 **general revenue fund.**

30           **(4) The state treasurer shall invest moneys in the fund in the same manner as other**  
31 **funds are invested. Any interest and moneys earned on such investments shall be credited**  
32 **to the fund.**

33           **4. No motor vehicle dealer, boat dealer, or powersport dealer that sells or leases new or**  
34 **used motor vehicles, vessels, or vessel trailers and imposes an administrative fee of [~~less than~~**  
35 **~~two~~] five hundred dollars or less in connection with the sale or lease of a new or used vehicle,**  
36 **vessel, or vessel trailer for the storage of documents or any other administrative or clerical**  
37 **services shall be deemed to be engaging in the unauthorized practice of law. The maximum**  
38 **administrative fee permitted under this subsection shall be increased annually by an**  
39 **amount equal to the percentage change in the annual average of the Consumer Price Index**  
40 **for All Urban Consumers or its successor index, as reported by the federal Bureau of**  
41 **Labor Statistics or its successor agency, or by zero, whichever is greater. The director of**  
42 **the department of revenue shall annually furnish the maximum administrative fee**  
43 **determined under this section to the secretary of state, who shall publish such value in the**  
44 **Missouri register as soon as practicable after January fourteenth of each year.**

45           **[4.] 5. If an administrative fee is charged under this section, the same administrative fee**  
46 **shall be charged to all retail customers [~~and~~] unless the fee is limited by the dealer's franchise**  
47 **agreement to certain classes of customers. The fee shall be disclosed on the retail buyer's**  
48 **order form as a separate itemized charge.**

49           **[5.] 6. A preliminary worksheet on which a sale price is computed and that is shown to**  
50 **the purchaser, a retail buyer's order form from the purchaser, or a retail installment contract shall**  
51 **include, in reasonable proximity to the place on the document where the administrative fee**  
52 **authorized by this section is disclosed, the amount of the administrative fee and the following**

53 notice in type that is boldfaced, capitalized, underlined, or otherwise conspicuously set out from  
54 the surrounding written material:

55 "AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE AND IS NOT  
56 REQUIRED BY LAW BUT MAY BE CHARGED BY A DEALER. THIS  
57 ADMINISTRATIVE FEE MAY RESULT IN A PROFIT TO DEALER. NO  
58 PORTION OF THIS ADMINISTRATIVE FEE IS FOR THE DRAFTING,  
59 PREPARATION, OR COMPLETION OF DOCUMENTS OR THE  
60 PROVIDING OF LEGAL ADVICE. THIS NOTICE IS REQUIRED BY LAW."

61 [~~6.~~] 7. The general assembly believes that an administrative fee charged in compliance  
62 with this section is not the unauthorized practice of law or the unauthorized business of law so  
63 long as the activity or service for which the fee is charged is in compliance with the provisions  
64 of this section and does not result in the waiver of any rights or remedies. Recognizing,  
65 however, that the judiciary is the sole arbitrator of what constitutes the practice of law, in the  
66 event that a court determines that an administrative fee charged in compliance with this section,  
67 and that does not waive any rights or remedies of the buyer, is the unauthorized practice of law  
68 or the unauthorized business of law, then no person who paid that administrative fee may recover  
69 said fee or treble damages, as permitted under section 484.020, and no person who charged that  
70 fee shall be guilty of a misdemeanor, as provided under section 484.020.

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