

SECOND REGULAR SESSION

# HOUSE BILL NO. 2132

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE GUNBY.

4807H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to fee office hours.

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Section A. Section 136.055, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 136.055, to read as follows:

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

(1) For each motor vehicle or trailer registration issued, renewed or transferred, six dollars and twelve dollars for those licenses sold or biennially renewed pursuant to section 301.147;

(2) For each application or transfer of title, six dollars;

(3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's license issued for a period of three years or less, six dollars and twelve dollars for licenses or instruction permits issued or renewed for a period exceeding three years;

(4) For each notice of lien processed, six dollars;

(5) Notary fee or electronic transmission per processing, two dollars.

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           2. The director of revenue shall award fee office contracts under this section through a  
18 competitive bidding process. The competitive bidding process shall give priority to  
19 organizations and entities that are exempt from taxation under Section 501(c)(3), 501(c)(6), or  
20 501(c)(4), except those civic organizations that would be considered action organizations under  
21 26 C.F.R. Section 1.501 (c)(3)-1(c)(3), of the Internal Revenue Code of 1986, as amended, with  
22 special consideration given to those organizations and entities that reinvest a minimum of  
23 seventy-five percent of the net proceeds to charitable organizations in Missouri, and political  
24 subdivisions, including but not limited to, municipalities, counties, and fire protection districts.  
25 The director of the department of revenue may promulgate rules and regulations necessary to  
26 carry out the provisions of this subsection. Any rule or portion of a rule, as that term is defined  
27 in section 536.010, that is created under the authority delegated in this subsection shall become  
28 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
29 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the  
30 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
31 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
32 rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid  
33 and void.

34           3. **Fee offices awarded contracts under this section shall not be closed for business**  
35 **with the public more than two days in a row, and shall maintain business hours on at least**  
36 **two days per week until 7 pm and on every Saturday from 8:30 am to noon.**

37           4. All fees collected by a tax-exempt organization may be retained and used by the  
38 organization.

39           ~~[4.]~~ 5. All fees charged shall not exceed those in this section. The fees imposed by this  
40 section shall be collected by all permanent offices and all full-time or temporary offices  
41 maintained by the department of revenue.

42           ~~[5.]~~ 6. Any person acting as agent of the department of revenue for the sale and issuance  
43 of registrations, licenses, and other documents related to motor vehicles shall have an insurable  
44 interest in all license plates, licenses, tabs, forms and other documents held on behalf of the  
45 department.

46           ~~[6.]~~ 7. The fees authorized by this section shall not be collected by motor vehicle dealers  
47 acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers  
48 authorized to collect and remit sales tax under subsection 10 of section 144.070.

49           ~~[7.]~~ 8. Notwithstanding any other provision of law to the contrary, the state auditor may  
50 audit all records maintained and established by the fee office in the same manner as the auditor  
51 may audit any agency of the state, and the department shall ensure that this audit requirement is

52 a necessary condition for the award of all fee office contracts. No confidential records shall be  
53 divulged in such a way to reveal personally identifiable information.

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