

FIRST REGULAR SESSION

HOUSE BILL NO. 810

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (67).

1198H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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

Section A. Section 301.558, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.558, to read as follows: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. No motor vehicle dealer, boat dealer, or powersport dealer that sells or leases new or used motor vehicles, vessels, or vessel trailers and imposes an administrative fee of less than ~~two~~ **four** hundred dollars in connection with the sale or lease of a new or used vehicle, vessel, or vessel trailer for the storage of documents or any other administrative or clerical services shall be deemed to be engaging in the unauthorized practice of law.

4. If an administrative fee is charged under this section, the administrative fee shall be charged to all retail customers and disclosed on the retail buyer's order form as a separate itemized charge.

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 5. A preliminary worksheet on which a sale price is computed and that is shown to the
19 purchaser, a retail buyer's order form from the purchaser, or a retail installment contract shall
20 include, in reasonable proximity to the place on the document where the administrative fee
21 authorized by this section is disclosed, the amount of the administrative fee and the following
22 notice in type that is boldfaced, capitalized, underlined, or otherwise conspicuously set out from
23 the surrounding written material:"AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE
24 AND IS NOT REQUIRED BY LAW BUT MAY BE CHARGED BY A DEALER. THIS
25 ADMINISTRATIVE FEE MAY RESULT IN A PROFIT TO DEALER. NO PORTION OF
26 THIS ADMINISTRATIVE FEE IS FOR THE DRAFTING, PREPARATION, OR
27 COMPLETION OF DOCUMENTS OR THE PROVIDING OF LEGAL ADVICE. THIS
28 NOTICE IS REQUIRED BY LAW."

29 6. The general assembly believes that an administrative fee charged in compliance with
30 this section is not the unauthorized practice of law or the unauthorized business of law so long
31 as the activity or service for which the fee is charged is in compliance with the provisions of this
32 section and does not result in the waiver of any rights or remedies. Recognizing, however, that
33 the judiciary is the sole arbitrator of what constitutes the practice of law, in the event that a court
34 determines that an administrative fee charged in compliance with this section, and that does not
35 waive any rights or remedies of the buyer, is the unauthorized practice of law or the unauthorized
36 business of law, then no person who paid that administrative fee may recover said fee or treble
37 damages, as permitted under section 484.020, and no person who charged that fee shall be guilty
38 of a misdemeanor, as provided under section 484.020.

✓