

SECOND REGULAR SESSION

# SENATE BILL NO. 898

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CUNNINGHAM.

Read 1st time January 12, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5863S.011

## AN ACT

To repeal section 136.055, RSMo, and to enact in lieu thereof two new sections relating to the department of revenue technology fund.

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

Section A. Section 136.055, RSMo, is repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 32.097 and 136.055, to read as  
3 follows:

**32.097. 1. All moneys received as a result of the administrative  
2 fee authorized under subdivision (4) of subsection 1 of section 136.055  
3 shall be deposited in the state treasury to the credit of the "Department  
4 of Revenue Technology Fund" which is hereby created. The state  
5 treasurer shall invest the moneys from the fund in the same manner as  
6 other state funds are invested. Interest accruing to the fund shall be  
7 deposited in the fund and shall not be transferred to the general  
8 revenue fund except as provided in this section.**

**9 2. The funds in the department of revenue technology fund shall  
10 be appropriated by the general assembly for expenses including, but  
11 not limited to, the procurement, development, modernization, and  
12 maintenance of software, hardware, and equipment related to computer  
13 systems that support the motor vehicle and driver licensing  
14 systems. Until July 1, 2026, any unexpended balance in the department  
15 of revenue technology fund at the end of the biennium not exceeding  
16 twenty-five million dollars is exempt from the provisions of section  
17 33.080 relating to transfer of unexpended balances to the general  
18 revenue fund. After June 30, 2026, any unexpended balance in the  
19 department of revenue technology fund at the end of the biennium not  
20 exceeding two million dollars is exempt from the provisions of section**

21 **33.080 relating to transfer of unexpended balances to the general**  
22 **revenue fund.**

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

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

12 (2) For each application or transfer of title--two dollars and fifty cents;

13 (3) For each instruction permit, nondriver license, chauffeur's, operator's  
14 or driver's license issued for a period of three years or less--two dollars and fifty  
15 cents and five dollars for licenses or instruction permits issued or renewed for a  
16 period exceeding three years;

17 (4) For each notice of lien processed--two dollars and fifty cents. **In**  
18 **addition, an eight dollar and fifty cent administrative fee shall be**  
19 **collected and remitted as required under section 32.097. The**  
20 **administrative fee authorized under this subdivision shall expire on**  
21 **December 31, 2026, unless reauthorized;**

22 (5) No notary fee or other fee or additional charge shall be paid or  
23 collected except for electronic telephone transmission reception--two dollars.

24 2. The director of revenue shall award fee office contracts under this  
25 section through a competitive bidding process. The competitive bidding process  
26 shall give priority to organizations and entities that are exempt from taxation  
27 under Section 501(c)(3), 501(c)(6), or 501(c)(4), except those civic organizations  
28 that would be considered action organizations under 26 C.F.R. Section  
29 1.501(c)(3)-1(c)(3), of the Internal Revenue Code of 1986, as amended, with special  
30 consideration given to those organizations and entities that reinvest a minimum  
31 of seventy-five percent of the net proceeds to charitable organizations in Missouri,  
32 and political subdivisions, including but not limited to, municipalities, counties,  
33 and fire protection districts. The director of the department of revenue may  
34 promulgate rules and regulations necessary to carry out the provisions of this

35 subsection. Any rule or portion of a rule, as that term is defined in section  
36 536.010, that is created under the authority delegated in this subsection shall  
37 become effective only if it complies with and is subject to all of the provisions of  
38 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
39 nonseverable and if any of the powers vested with the general assembly pursuant  
40 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
41 a rule are subsequently held unconstitutional, then the grant of rulemaking  
42 authority and any rule proposed or adopted after August 28, 2009, shall be  
43 invalid and void.

44 3. All fees collected by a tax-exempt organization may be retained and  
45 used by the organization.

46 4. All fees charged shall not exceed those in this section. The fees  
47 imposed by this section shall be collected by all permanent offices and all  
48 full-time or temporary offices maintained by the department of revenue.

49 5. Any person acting as agent of the department of revenue for the sale  
50 and issuance of registrations, licenses, and other documents related to motor  
51 vehicles shall have an insurable interest in all license plates, licenses, tabs, forms  
52 and other documents held on behalf of the department.

53 6. The fees authorized by this section shall not be collected by motor  
54 vehicle dealers acting as agents of the department of revenue under section  
55 32.095 or those motor vehicle dealers authorized to collect and remit sales tax  
56 under subsection 8 of section 144.070.

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

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