

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 725

102ND GENERAL ASSEMBLY

1244S.03C

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 30.753, 303.039, 361.020, 361.098, 361.160, 361.260, 361.262, 361.715, 364.030, 364.105, 365.030, 367.140, 407.640, 408.145, 408.500, 569.010, 569.100, 570.010, and 570.030, RSMo, and section 303.041 as enacted by senate bill no. 267, ninety-first general assembly, first regular session, and section 303.041 as enacted by house bill no. 2168, one hundred first general assembly, second regular session, and to enact in lieu thereof forty-seven new sections relating to financial services, with penalty provisions.

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

Section A. Sections 30.753, 303.039, 361.020, 361.098,
2 361.160, 361.260, 361.262, 361.715, 364.030, 364.105, 365.030,
3 367.140, 407.640, 408.145, 408.500, 569.010, 569.100, 570.010,
4 and 570.030, RSMo, and section 303.041 as enacted by senate
5 bill no. 267, ninety-first general assembly, first regular
6 session, and section 303.041 as enacted by house bill no. 2168,
7 one hundred first general assembly, second regular session, are
8 repealed and forty-seven new sections enacted in lieu thereof,
9 to be known as sections 30.753, 303.039, 303.041, 303.420,
10 303.422, 303.425, 303.430, 303.440, 361.020, 361.098, 361.106,
11 361.160, 361.260, 361.262, 361.715, 362.034, 364.030, 364.105,
12 365.030, 367.140, 407.640, 408.145, 408.500, 436.550, 436.552,
13 436.554, 436.556, 436.558, 436.560, 436.562, 436.564, 436.566,
14 436.568, 436.570, 436.571, 436.572, 436.573, 436.574, 436.575,

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 436.577, 436.578, 436.579, 436.580, 569.010, 569.100, 570.010,
16 and 570.030, to read as follows:

30.753. 1. The state treasurer may invest in linked
2 deposits; however, the total amount so deposited at any one
3 time shall not exceed, in the aggregate, [eight hundred
4 million] **one billion** dollars. [No more than three hundred
5 thirty million dollars of] The aggregate deposit shall be
6 used for linked deposits to eligible farming operations,
7 eligible locally owned businesses, eligible agribusinesses,
8 eligible beginning farmers, eligible livestock operations,
9 [and] eligible facility borrowers, [no more than one
10 hundred ninety million of the aggregate deposit shall be
11 used for linked deposits to] **and eligible** small
12 businesses[,]. No more than [twenty million dollars] **five**
13 **percent** shall be used for linked deposits to eligible
14 multitenant development enterprises, and no more than
15 [twenty million dollars] **five percent** of the aggregate
16 deposit shall be used for linked deposits to eligible
17 residential property developers and eligible residential
18 property owners, **and** no more than [two hundred twenty
19 million dollars] **twenty percent** of the aggregate deposit
20 shall be used for linked deposits to eligible job
21 enhancement businesses, and no more than [twenty million
22 dollars] **five percent** of the aggregate deposit shall be used
23 for linked deposit loans to eligible water systems. Linked
24 deposit loans may be made to eligible student borrowers,
25 eligible alternative energy operations, eligible alternative
26 energy consumers, and eligible governmental entities from
27 the aggregate deposit. If demand for a particular type of
28 linked deposit exceeds the initial allocation, and funds
29 initially allocated to another type are available and not in

30 demand, the state treasurer may commingle allocations among
31 the types of linked deposits.

32 2. The minimum deposit to be made by the state
33 treasurer to an eligible lending institution for eligible
34 job enhancement business loans shall be ninety thousand
35 dollars. Linked deposit loans for eligible job enhancement
36 businesses may be made for the purposes of assisting with
37 relocation expenses, working capital, interim construction,
38 inventory, site development, machinery and equipment, or
39 other expenses necessary to create or retain jobs in the
40 recipient firm.

303.039. The repeal and reenactment of [sections]
2 **section** 303.025 [and 303.041] shall take effect on January
3 1, 2024.

2 [303.041. 1. If the director determines
3 that as a result of a verification sample or
4 accident report that the owner of a motor
5 vehicle has not maintained financial
6 responsibility, or if the director determines as
7 a result of an order of supervision that the
8 operator of a motor vehicle has not maintained
9 the financial responsibility as required in this
10 chapter, the director shall thirty-three days
11 after mailing notice, suspend the driving
12 privilege of the owner or operator and/or the
13 registration of the vehicle failing to meet such
14 requirement. The notice of suspension shall be
15 mailed to the person at the last known address
16 shown on the department's records. The notice
17 of suspension is deemed received three days
18 after mailing. The notice of suspension shall
19 clearly specify the reason and statutory grounds
20 for the suspension and the effective date of the
21 suspension, the right of the person to request a
22 hearing, the procedure for requesting a hearing,
23 and the date by which that request for a hearing
24 must be made. If the request for a hearing is
25 received by the department prior to the
26 effective date of the suspension, the effective
27 date of the suspension will be stayed until a
28 final order is issued following the hearing.

29 2. Neither the fact that subsequent to the
30 date of verification or conviction, the owner
31 acquired the required liability insurance policy
32 nor the fact that the owner terminated ownership
of the motor vehicle, shall have any bearing

33 upon the director's decision to suspend. Until
34 it is terminated, the suspension shall remain in
35 force after the registration is renewed or a new
36 registration is acquired for the motor vehicle.
37 The suspension also shall apply to any motor
38 vehicle to which the owner transfers the
39 registration. Effective January 1, 2000, the
40 department shall not extend any suspension for
41 failure to pay a delinquent late surrender fee
42 pursuant to this subsection.]

303.041. 1. **Except as otherwise provided in**
2 **subsection 7 of section 303.425**, if the director determines
3 that the owner or operator of a motor vehicle has not
4 maintained the financial responsibility as required in this
5 chapter, the director shall thirty-three days after mailing
6 notice, suspend the driving privilege of the owner or
7 operator and/or the registration of the vehicle failing to
8 meet such requirement. The notice of suspension shall be
9 mailed to the person at the last known address shown on the
10 department's records. The notice of suspension is deemed
11 received three days after mailing. The notice of suspension
12 shall clearly specify the reason and statutory grounds for
13 the suspension and the effective date of the suspension, the
14 right of the person to request a hearing, the procedure for
15 requesting a hearing, and the date by which that request for
16 a hearing must be made. If the request for a hearing is
17 received by the department prior to the effective date of
18 the suspension, the effective date of the suspension will be
19 stayed until a final order is issued following the hearing.

20 2. Except as otherwise provided by law, neither the
21 fact that subsequent to the date of verification or
22 conviction, the owner acquired the required liability
23 insurance policy nor the fact that the owner terminated
24 ownership of the motor vehicle, shall have any bearing upon
25 the director's decision to suspend. Until it is terminated,
26 the suspension shall remain in force after the registration

27 is renewed or a new registration is acquired for the motor
28 vehicle. The suspension also shall apply to any motor
29 vehicle to which the owner transfers the registration.
30 Effective January 1, 2000, the department shall not extend
31 any suspension for failure to pay a delinquent late
32 surrender fee pursuant to this subsection.

**303.420. As used in sections 303.420 to 303.440,
2 unless the context requires otherwise, the following terms
3 shall mean:**

4 (1) "Program", the motor vehicle financial
5 responsibility enforcement and compliance incentive program
6 established under section 303.425;

7 (2) "Qualified agency", the department of revenue, the
8 Missouri state highway patrol, the prosecuting attorney or
9 sheriff's office of any county or city not within a county,
10 the chiefs of police of any city or municipality, or any
11 other authorized law enforcement agency recognized by the
12 state;

13 (3) "System" or "verification system", the web-based
14 resource established under section 303.430 for online
15 verification of motor vehicle financial responsibility.

303.422. 1. There is hereby created in the state
2 treasury the "Motor Vehicle Financial Responsibility
3 Verification and Enforcement Fund", which shall consist of
4 money received by the department of revenue under sections
5 303.420 to 303.440. The state treasurer shall be custodian
6 of the fund. In accordance with sections 30.170 and 30.180,
7 the state treasurer may approve disbursements. The fund
8 shall be a dedicated fund and money in the fund shall be
9 used solely by the department of revenue for the
10 administration of sections 303.420 to 303.440.

11 2. Notwithstanding the provisions of section 33.080 to
12 the contrary, any moneys remaining in the fund at the end of
13 the biennium shall not revert to the credit of the general
14 revenue fund.

15 3. The state treasurer shall invest moneys in the fund
16 in the same manner as other funds are invested. Any
17 interest and moneys earned on such investments shall be
18 credited to the fund.

 303.425. 1. (1) There is hereby created within the
2 department of revenue the motor vehicle financial
3 responsibility enforcement and compliance incentive
4 program. The department of revenue may enter into
5 contractual agreements with third-party vendors to
6 facilitate the necessary technology and equipment,
7 maintenance thereof, and associated program management
8 services, and may enter into contractual agreements with the
9 Missouri office of prosecution services as provided in
10 sections 303.420 to 303.440. Where sections 303.420 to
11 303.440 authorize the department of revenue to enter into
12 contracts with a third-party vendor or the Missouri office
13 of prosecution services at its option, the department of
14 revenue shall contract with the Missouri office of
15 prosecution services unless the Missouri office of
16 prosecution services declines to enter into the contract.

17 (2) The department of revenue or a third-party vendor
18 shall utilize technology to compare vehicle registration
19 information with the financial responsibility information
20 accessible through the system. The department of revenue
21 shall utilize this information to identify motorists who are
22 in violation of the motor vehicle financial responsibility
23 law. The department of revenue may offer offenders under
24 this program the option of pretrial diversion as an

25 alternative to statutory fines or reinstatement fees
26 prescribed under the motor vehicle financial responsibility
27 law as a method of encouraging compliance and discouraging
28 recidivism.

29 (3) All fees paid to or collected by third-party
30 vendors or the Missouri office of prosecution services under
31 sections 303.420 to 303.440 may come from violator diversion
32 fees generated by the pretrial diversion option established
33 under this section. A contractual agreement between the
34 department of revenue and the Missouri office of prosecution
35 services under sections 303.420 to 303.440 may provide for
36 retention by the Missouri office of prosecution services of
37 part or all of the violator diversion fees as consideration
38 for the contract.

39 2. The department of revenue may authorize law
40 enforcement agencies or third-party vendors to use
41 technology to collect data for the investigation, detection,
42 analysis, and enforcement of the motor vehicle financial
43 responsibility law.

44 3. The department of revenue may authorize traffic
45 enforcement officers, third-party vendors, or the Missouri
46 office of prosecution services to administer the processing
47 and issuance of notices of violation, the collection of fees
48 for a violation of the motor vehicle financial
49 responsibility law, or the referral of cases for
50 prosecution, under the program.

51 4. Access to the system shall be restricted to
52 qualified agencies and the third-party vendors with which
53 the department of revenue contracts for purposes of the
54 program, provided that any third-party vendor with which a
55 contract is executed to provide necessary technology,
56 equipment, or maintenance for the program shall be

57 authorized as necessary to collaborate for required updates
58 and maintenance of system software.

59 5. For purposes of the program, any data collected and
60 matched to a corresponding vehicle insurance record as
61 verified through the system, and any Missouri vehicle
62 registration database, may be used to identify violations of
63 the motor vehicle financial responsibility law. Such
64 corresponding data shall constitute evidence of the
65 violations.

66 6. Except as otherwise provided in this section, the
67 department of revenue shall suspend, in accordance with
68 section 303.041, the registration of any motor vehicle that
69 is determined under the program to be in violation of the
70 motor vehicle financial responsibility law.

71 7. The department of revenue shall send to an owner
72 whose vehicle is identified under the program as being in
73 violation of the motor vehicle financial responsibility law
74 a notice that the vehicle's registration may be suspended
75 unless the owner, within thirty days, provides proof of
76 financial responsibility for the vehicle or proof, in a form
77 specified by the department of revenue, that the owner has a
78 pending criminal charge for a violation of the motor vehicle
79 financial responsibility law. The notice shall include
80 information on steps an individual may take to obtain proof
81 of financial responsibility and a web address to a page on
82 the department of revenue's website where information on
83 obtaining proof of financial responsibility shall be
84 provided. If proof of financial responsibility or a pending
85 criminal charge is not provided within the time allotted,
86 the department of revenue shall provide a notice of
87 suspension and suspend the vehicle's registration in
88 accordance with section 303.041, or shall send a notice of

89 vehicle registration suspension, clearly specifying the
90 reason and statutory grounds for the suspension and the
91 effective date of the suspension, the right of the vehicle
92 owner to request a hearing, the procedure for requesting a
93 hearing, and the date by which that request for a hearing
94 must be made, as well as informing the owner that the matter
95 will be referred for prosecution if a satisfactory response
96 is not received in the time allotted, informing the owner
97 that the minimum penalty for the violation is three hundred
98 dollars and four license points, and offering the owner
99 participation in a pretrial diversion option to preclude
100 referral for prosecution and registration suspension under
101 sections 303.420 to 303.440. The notice of vehicle
102 registration suspension shall give a period of thirty-three
103 days from mailing for the vehicle owner to respond, and
104 shall be deemed received three days after mailing. If no
105 request for a hearing or agreement to participate in the
106 diversion option is received by the department of revenue
107 prior to the date provided on the notice of vehicle
108 registration suspension, the director shall suspend the
109 vehicle's registration, effective immediately, and refer the
110 case to the appropriate prosecuting attorney. If an
111 agreement by the vehicle owner to participate in the
112 diversion option is received by the department of revenue
113 prior to the effective date provided on the notice of
114 vehicle registration suspension, then upon payment of a
115 diversion participation fee not to exceed two hundred
116 dollars, agreement to secure proof of financial
117 responsibility within the time provided on the notice of
118 suspension, and agreement that such financial responsibility
119 shall be maintained for a minimum of two years, no points
120 shall be assessed to the vehicle owner's driver's license

121 under section 302.302 and the department of revenue shall
122 not take further action against the vehicle owner under
123 sections 303.420 to 303.440, subject to compliance with the
124 terms of the pretrial diversion option. The department of
125 revenue shall suspend the vehicle registration of, and shall
126 refer the case to the appropriate prosecuting attorney for
127 prosecution of, participating vehicle owners who violate the
128 terms of the pretrial diversion option. If a request for
129 hearing is received by the department of revenue prior to
130 the effective date provided on the notice of vehicle
131 registration suspension, then for all purposes other than
132 eligibility for participation in the diversion option, the
133 effective date of the suspension shall be stayed until a
134 final order is issued following the hearing. The department
135 of revenue shall suspend the registration of vehicles
136 determined under the final order to have violated the motor
137 vehicle financial responsibility law, and shall refer the
138 case to the appropriate prosecuting attorney for
139 prosecution. Notices under this subsection shall be mailed
140 to the vehicle owner at the last known address shown on the
141 department of revenue's records. The department of revenue
142 or its third-party vendor or the Missouri office of
143 prosecution services shall issue receipts for the collection
144 of diversion participation fees. Except as otherwise
145 provided in subsection 1 of this section, all such fees
146 shall be deposited into the motor vehicle financial
147 responsibility verification and enforcement fund established
148 in section 303.422. A vehicle owner whose registration has
149 been suspended under sections 303.420 to 303.440 may obtain
150 reinstatement of the registration upon providing proof of
151 financial responsibility and payment to the department of
152 revenue of a nonrefundable reinstatement fee equal to the

153 fee that would be applicable under subsection 2 of section
154 303.042 if the registration had been suspended under section
155 303.041.

156 8. Data collected or retained under the program shall
157 not be used by any entity for purposes other than
158 enforcement of the motor vehicle financial responsibility
159 law. Data collected and stored by law enforcement under the
160 program shall be considered evidence if noncompliance with
161 the motor vehicle financial responsibility law is
162 confirmed. The evidence, and an affidavit stating that the
163 evidence and system have identified a particular vehicle as
164 being in violation of the motor vehicle financial
165 responsibility law, shall constitute probable cause for
166 prosecution and shall be forwarded in accordance with
167 subsection 7 of this section to the appropriate prosecuting
168 attorney.

169 9. Owners of vehicles identified under the program as
170 being in violation of the motor vehicle financial
171 responsibility law shall be provided with options for
172 disputing such claims which do not require appearance at any
173 state or local court of law, or administrative facility.
174 Any person who presents timely proof that he or she was in
175 compliance with the motor vehicle financial responsibility
176 law at the time of the alleged violation shall be entitled
177 to dismissal of the charge with no assessment of fees or
178 fines. Proof provided by a vehicle owner to the department
179 of revenue that the vehicle was in compliance at the time of
180 the suspected violation of the motor vehicle financial
181 responsibility law shall be recorded in the system
182 established by the department of revenue under section
183 303.430.

184 10. The collection of data or use of any technology
185 pursuant to this section shall be done in a manner that
186 prohibits any bias towards a specific community, race,
187 gender, or socioeconomic status of vehicle owner.

188 11. Law enforcement agencies, third-party vendors, or
189 other entities authorized to operate under the program shall
190 not sell data collected or retained under the program for
191 any purpose or share it for any purpose not expressly
192 authorized in this section. All data shall be secured and
193 any third-party vendor or other entity authorized to operate
194 under the program may be liable for any data security breach.

195 12. The department of revenue shall not take action
196 under sections 303.420 to 303.440 against vehicles
197 registered as fleet vehicles under section 301.032, or
198 against vehicles known to the department of revenue to be
199 insured under a policy of commercial auto coverage, as such
200 term is defined in subdivision (10) of subsection 2 of
201 section 303.430.

202 13. Following one year after the implementation of the
203 program, and every year thereafter, the department of
204 revenue shall provide a report to the president pro tempore
205 of the senate, the speaker of the house of representatives,
206 the chairs of the house and senate committees with
207 jurisdictions over insurance or transportation matters, and
208 the chairs of the house budget and senate appropriations
209 committees. The report shall include an evaluation of
210 program operations, information as to the costs of the
211 program incurred by the department of revenue, insurers, and
212 the public, information as to the effectiveness of the
213 program in reducing the number of uninsured motor vehicles,
214 and anonymized demographic information including the race
215 and zip code of vehicle owners identified under the program

216 as being in violation of the motor vehicle financial
217 responsibility law, and may include any additional
218 information and recommendations for improvement of the
219 program deemed appropriate by the department of revenue.
220 The department of revenue may, by rule, require the state,
221 counties, and municipalities to provide information in order
222 to complete the report.

223 14. The Missouri office of prosecution services in
224 consultation with the department of revenue may promulgate
225 rules as necessary for the implementation of this section.
226 Any rule or portion of a rule, as that term is defined in
227 section 536.010, that is created under the authority
228 delegated in this section shall become effective only if it
229 complies with and is subject to all of the provisions of
230 chapter 536 and, if applicable, section 536.028. This
231 section and chapter 536 are nonseverable and if any of the
232 powers vested with the general assembly pursuant to chapter
233 536 to review, to delay the effective date, or to disapprove
234 and annul a rule are subsequently held unconstitutional,
235 then the grant of rulemaking authority and any rule proposed
236 or adopted after August 28, 2023, shall be invalid and void.

2 303.430. 1. The department of revenue shall establish
3 and maintain a web-based system for the verification of
4 motor vehicle financial responsibility, shall provide access
5 to insurance reporting data and vehicle registration and
6 financial responsibility data, and shall require motor
7 vehicle insurers to establish functionality for the
8 verification system, as provided in sections 303.420 to
9 303.440. The verification system, including any exceptions
10 as provided for in sections 303.420 to 303.440 or in the
11 implementation guide developed to support the program, shall
supersede any existing verification system, and shall be the

12 sole system used for the purpose of verifying financial
13 responsibility required under this chapter.

14 2. The system established pursuant to subsection 1 of
15 this section shall be subject to the following:

16 (1) The verification system shall transmit requests to
17 insurers for verification of motor vehicle insurance
18 coverage via web services established by the insurers
19 through the internet in compliance with the specifications
20 and standards of the Insurance Industry Committee on Motor
21 Vehicle Administration, or "IICMVA". Insurance company
22 systems shall respond to each request with a prescribed
23 response upon evaluation of the data provided in the
24 request. The system shall include appropriate protections
25 to secure its data against unauthorized access, and the
26 department of revenue shall maintain a historical record of
27 the system data for a period of no more than twelve months
28 from the date of all requests and responses. The system
29 shall be used for verification of the financial
30 responsibility required under this chapter. The system
31 shall be accessible to authorized personnel of the
32 department of revenue, the courts, law enforcement
33 personnel, and other entities authorized by the state as
34 permitted by state or federal privacy laws, and it shall be
35 interfaced, wherever appropriate, with existing state
36 systems. The system shall include information enabling the
37 department of revenue to submit inquiries to insurers
38 regarding motor vehicle insurance which are consistent with
39 insurance industry and IICMVA recommendations,
40 specifications, and standards by using the following data
41 elements for greater matching accuracy: insurer National
42 Association of Insurance Commissioners, or "NAIC", company
43 code; vehicle identification number; policy number;

44 verification date; or as otherwise described in the
45 specifications and standards of the IICMVA. The department
46 of revenue shall promulgate rules to offer insurers who
47 insure one thousand or fewer vehicles within this state an
48 alternative method for verifying motor vehicle insurance
49 coverage in lieu of web services, and to provide for the
50 verification of financial responsibility when financial
51 responsibility is proven to the department to be maintained
52 by means other than a policy of motor vehicle insurance.
53 Insurers shall not be required to verify insurance coverage
54 for vehicles registered in other jurisdictions;

55 (2) The verification system shall respond to each
56 request within a time period established by the department
57 of revenue. An insurer's system shall respond within the
58 time period prescribed by the IICMVA's specifications and
59 standards. Insurer systems shall be permitted reasonable
60 system downtime for maintenance and other work with advance
61 notice to the department of revenue. Insurers shall not be
62 subject to enforcement fees or other sanctions under such
63 circumstances, or when systems are not available because of
64 emergency, outside attack, or other unexpected outages not
65 planned by the insurer and reasonably outside its control;

66 (3) The system shall assist in identifying violations
67 of the motor vehicle financial responsibility law in the
68 most effective way possible. Responses to individual
69 insurance verification requests shall have no bearing on
70 whether insurance coverage is determined to be in force at
71 the time of a claim. Claims shall be individually
72 investigated to determine the existence of coverage.
73 Nothing in sections 303.420 to 303.440 shall prohibit the
74 department of revenue from contracting with a third-party
75 vendor or vendors who have successfully implemented similar

76 systems in other states to assist in establishing and
77 maintaining this verification system;

78 (4) The department of revenue shall consult with
79 representatives of the insurance industry and may consult
80 with third-party vendors to determine the objectives,
81 details, and deadlines related to the system by
82 establishment of an advisory council. The advisory council
83 shall consist of voting members comprised of:

84 (a) The director of the department of commerce and
85 insurance, or his or her designee, who shall serve as chair;

86 (b) Two representatives of the department of revenue,
87 to be appointed by the director of the department of revenue;

88 (c) One representative of the department of commerce
89 and insurance, to be appointed by the director of the
90 department of commerce and insurance;

91 (d) Three representatives of insurance companies, to
92 be appointed by the director of the department of commerce
93 and insurance;

94 (e) One representative from the Missouri Insurance
95 Coalition;

96 (f) One representative chosen by the National
97 Association of Mutual Insurance Companies;

98 (g) One representative chosen by the American Property
99 and Casualty Insurance Association;

100 (h) One representative chosen by the Missouri
101 Independent Agents Association; and

102 (i) Such other representatives as may be appointed by
103 the director of the department of commerce and insurance;

104 (5) The department of revenue shall publish for
105 comment, and then issue, a detailed implementation guide for
106 its online verification system;

107 (6) The department of revenue and its third-party
108 vendors, if any, shall each maintain a contact person for
109 insurers during the establishment, implementation, and
110 operation of the system;

111 (7) If the department of revenue has reason to believe
112 a vehicle owner does not maintain financial responsibility
113 as required under this chapter, it may also request an
114 insurer to verify the existence of such financial
115 responsibility in a form approved by the department of
116 revenue. In addition, insurers shall cooperate with the
117 department of revenue in establishing and maintaining the
118 verification system established under this section, and
119 shall provide motor vehicle insurance policy status
120 information as provided in the rules promulgated by the
121 department of revenue;

122 (8) Every property and casualty insurance company
123 licensed to issue motor vehicle insurance or authorized to
124 do business in this state shall comply with sections 303.420
125 to 303.440, and corresponding rules promulgated by the
126 department of revenue, for the verification of such
127 insurance for every vehicle insured by that company in this
128 state;

129 (9) Insurers shall maintain a historical record of
130 insurance data for a minimum period of six months from the
131 date of policy inception or policy change for the purpose of
132 historical verification inquiries;

133 (10) For the purposes of this section, "commercial
134 auto coverage" shall mean any coverage provided to an
135 insured, regardless of number of vehicles or entities
136 covered, under a commercial coverage form and rated from a
137 commercial manual approved by the department of commerce and
138 insurance. Sections 303.420 to 303.440 shall not apply to

139 vehicles insured under commercial auto coverage; however,
140 insurers of such vehicles may participate on a voluntary
141 basis, and vehicle owners may provide proof at or subsequent
142 to the time of vehicle registration that a vehicle is
143 insured under commercial auto coverage, which the department
144 of revenue shall record in the system;

145 (11) Insurers shall provide commercial or fleet
146 automobile customers with evidence reflecting that the
147 vehicle is insured under a commercial or fleet automobile
148 liability policy. Sufficient evidence shall include an
149 insurance identification card clearly marked with a suitable
150 identifier such as "commercial auto insurance identification
151 card", "fleet auto insurance identification card", or other
152 clear identification that the vehicle is insured under a
153 fleet or commercial policy;

154 (12) Notwithstanding any provision of sections 303.420
155 to 303.440, insurers shall be immune from civil and
156 administrative liability for good faith efforts to comply
157 with the terms of sections 303.420 to 303.440;

158 (13) Nothing in this section shall prohibit an insurer
159 from using the services of a third-party vendor for
160 facilitating the verification system required under sections
161 303.420 to 303.440.

162 3. The department of revenue shall promulgate rules as
163 necessary for the implementation of sections 303.420 to
164 303.440. Any rule or portion of a rule, as that term is
165 defined in section 536.010, that is created under the
166 authority delegated in this section shall become effective
167 only if it complies with and is subject to all of the
168 provisions of chapter 536 and, if applicable, section
169 536.028. This section and chapter 536 are nonseverable and
170 if any of the powers vested with the general assembly

171 pursuant to chapter 536 to review, to delay the effective
172 date, or to disapprove and annul a rule are subsequently
173 held unconstitutional, then the grant of rulemaking
174 authority and any rule proposed or adopted after August 28,
175 2023, shall be invalid and void.

303.440. The verification system established under
2 section 303.430 shall be installed and fully operational on
3 January 1, 2025, following an appropriate testing or pilot
4 period of not less than nine months. Until the successful
5 completion of the testing or pilot period in the judgment of
6 the director of the department of revenue, no enforcement
7 action shall be taken based on the system, including but not
8 limited to action taken under the program established under
9 section 303.425.

361.020. 1. The division of finance shall have charge
2 of the execution of the laws relating to banks, trust
3 companies, and the banking business of this state; [credit
4 unions; and] of the laws relating to persons[,
5 copartnerships and corporations] and entities engaged in the
6 small loan or consumer credit business in this state; of the
7 laws relating to persons and entities engaged in the
8 mortgage loan business in this state; and of the laws
9 relating to persons and entities engaged in any other
10 financial services related business over which the division
11 of finance is granted express authority.

12 2. The director of finance may institute, in the name
13 of the state of Missouri, and defend suits in the courts of
14 this state and the United States.

361.098. 1. The members of the state banking and
2 savings and loan board shall receive as compensation for
3 their services the sum of one hundred dollars per day while
4 discharging their duties, and shall be entitled to receive

5 their necessary traveling and other expenses incurred while
6 actually engaged in the performance of their duties as such
7 members, **which shall be paid out of the division of finance**
8 **fund.**

9 2. [A majority of the members] **Any three members** of
10 the board shall constitute a quorum for the transaction of
11 any business, for the performance of any duty or for the
12 exercise of any power of the board.

13 3. The board may meet and exercise its powers in any
14 place in this state and shall meet at any time upon the call
15 of its chairman or of the director of the division of
16 finance or of any two members of the board.

17 4. The board shall have an official seal bearing the
18 inscription, "State Banking and Savings and Loan Board of
19 the State of Missouri", which shall be judicially noticed.

20 5. **The division of finance may provide administrative**
21 **services to the board to assist the board with fulfilling**
22 **its statutory responsibilities.**

361.106. 1. For purposes of this section, the
2 following terms mean:

3 (1) "Bulletin", an informal written communication to
4 inform or educate individuals or entities licensed,
5 chartered, or regulated by the division of finance and the
6 general public about a regulatory topic or issue. A
7 bulletin is informational in nature and is not an evaluation
8 of specific facts and circumstances;

9 (2) "Industry letter", a written communication from
10 the director of finance in response to a specific individual
11 or entity chartered, licensed, or regulated by the division
12 of finance, and that provides the division of finance's
13 position on a particular regulatory topic or issue with
14 respect to a specific set of facts and circumstances.

15 2. Notwithstanding any other provision of law to the
16 contrary, the director of finance may at his or her
17 discretion issue bulletins addressing the business of the
18 individuals and entities licensed, chartered, or regulated
19 by the division in this state. Bulletins do not have the
20 force or effect of law and shall not be considered
21 statements of general applicability that would require
22 promulgation by rule.

23 3. Notwithstanding any other provision of law to the
24 contrary, the director of finance may at his or her
25 discretion issue industry letters in response to a written
26 request from an individual or entity licensed, chartered, or
27 regulated by the division, and that seeks the division's
28 position on an application of law. In addition to any
29 materials or information requested by the division, the
30 written request shall include:

31 (1) A brief summary of the applicable laws and rules
32 that pertain to the request;

33 (2) A detailed factual representation concerning every
34 relevant aspect of the proposed business activity or
35 activities, transaction, event, or circumstance;

36 (3) A discussion of current statutes, rules, and legal
37 principles relevant to the facts set forth;

38 (4) A statement by the person requesting the industry
39 letter of the person's own opinion in the matter and the
40 basis for such opinion; and

41 (5) A representation that the proposed business or
42 transaction in question have not commenced or, if they have
43 commenced, the present status of the proposed business or
44 transaction.

45 4. With respect to the requesting party, an industry
46 letter is binding on the division, and the requesting party

47 shall not be subject to any administrative proceeding or
48 penalty for any acts or omissions done in reliance on an
49 industry letter, so long as there is no change in any
50 material fact or law or the discovery of a material
51 misrepresentation or omission made by the requesting party.

52 5. An industry letter request and response shall be
53 confidential, but a resulting industry letter, if published
54 by the director, may contain non-identifying facts and
55 information derived from the request.

56 6. After redacting all identifying information, the
57 director may publish industry letters for informational
58 purposes. Because the division may have a different
59 position in response to similar but non-identical facts and
60 circumstances, published industry letters do not have the
61 force or effect of law, are not binding on the division, and
62 shall not be considered statements of general applicability
63 that would require promulgation by rule.

64 7. Industry letters issued under this section are
65 distinct from letters issued by the director under
66 subdivision (5) of section 362.106, which shall be governed
67 by that section.

361.160. 1. The director of finance at least once
2 each year, either personally or by a deputy or examiner
3 appointed by the director, shall visit and examine every
4 bank and trust company organized and doing business under
5 the laws of this state, and every other corporation which is
6 by law required to report to the director; except, for banks
7 or trust companies receiving a Camel/MOECA 1 or Camel/MOECA
8 2 rating from the division of finance, the director of
9 finance at least once each eighteen calendar months, or for
10 a private trust company at least once each thirty-six
11 months, either personally or by a deputy or examiner

12 appointed by the director, shall visit and examine such bank
13 or trust company, and the director of finance, at the
14 director's discretion, may conduct the director's
15 examination, or any part thereof, on the basis of
16 information contained in examination reports of other
17 states, the Federal Deposit Insurance Corporation or the
18 Federal Reserve Board or in audits performed by certified
19 public accountants. For purposes of this subsection, a
20 private trust company is one that does not engage in trust
21 company business with the general public or otherwise hold
22 itself out as a trustee or fiduciary for hire by
23 advertising, solicitation, or other means and instead
24 operates for the primary benefit of a family, relative of
25 same family, or single family lineage, regardless of whether
26 compensation is received or anticipated. The director shall
27 be afforded prompt and free access to any workpapers upon
28 which a certified public accountant bases an audit. A
29 certified public accountant shall retain workpapers for a
30 minimum of three years after the date of issuance of the
31 certified public accountant's report to the bank or trust
32 company. The director or the director's agent may
33 concentrate the examinations on institutions which the
34 director believes have safety or soundness concerns.

35 2. The director, or the deputy or examiners designated
36 by the director for that purpose, shall have power to
37 examine any such corporation whenever, in the director's
38 judgment, it may be deemed necessary or expedient, and shall
39 have power to examine every agency located in this state of
40 any foreign banking corporation and every branch in this
41 state of any out-of-state bank, for the purpose of
42 ascertaining whether it has violated any law of this state,

43 and for such other purposes and as to such other matters as
44 the director may prescribe.

45 3. The director and the director's deputy and
46 examiners shall have power to administer oaths to any person
47 whose testimony may be required in such examination or
48 investigation of any such corporation or agency, and to
49 compel the appearance and attendance of any person for the
50 purpose of any such examination or investigation.

51 4. On every such examination inquiry shall be made as
52 to the condition and resources of such corporation, the mode
53 of conducting and managing its affairs, the actions of its
54 directors or trustees, the investment of its funds, the
55 safety and prudence of its management, the security afforded
56 to its creditors, and whether the requirements of its
57 charter and of law have been complied with in the
58 administration of its affairs, and as to such other matters
59 as the director may prescribe.

60 5. The director may also make such special
61 investigations as the director deems necessary to determine
62 whether any individual or corporation has violated any of
63 the provisions of this law.

64 6. Such examination may be made and such inquiry
65 instituted or continued in the discretion of the director
66 after the director has taken possession of the property and
67 business of any such corporation, until it shall resume
68 business or its affairs shall be finally liquidated in
69 accordance with the provisions of this chapter.

70 7. The result of each examination shall be certified
71 by the director or the examiner upon the records of the
72 corporation examined [and the result of all examinations
73 during the biennial period shall be embodied in the report

74 to be made by the director of the department of commerce and
75 insurance to the legislature].

76 8. The director may contract with regulators in other
77 states to provide for the examination of Missouri branches
78 of out-of-state banks and branches of banks whose home state
79 is Missouri. The agreements may provide for the payment by
80 the home state of the cost of examinations conducted by the
81 host state at the request of the home state regulators.

361.260. 1. Whenever the director shall have reason
2 to believe that the capital stock of any corporation subject
3 to the provisions of this chapter is reduced by impairment
4 or otherwise, below the amount required by law, or by its
5 certificates or articles of agreement, [he] **the director**
6 shall issue a notice of charges in respect thereof.

7 2. Whenever [it shall appear to the director,] **the**
8 **director has reason to believe** from any examination **or**
9 **investigation** made by [him] **the director** or his **or her**
10 examiners, that any corporation subject to the provisions of
11 this chapter, or any director, officer, employee, agent, or
12 other person participating in the conduct of the affairs of
13 such corporation, or any foreign corporation licensed by the
14 director to do business under this chapter or chapter 362 is
15 engaging in [or], has engaged in, or [there is reasonable
16 cause to believe that the corporation or any director,
17 officer, employee, agent, or other person participating in
18 the conduct of the affairs of such corporation is about to
19 engage in,] **is about to engage in:**

20 (1) An unsafe or unsound practice in conducting the
21 business of such corporation [or is violating or has
22 violated, or there is reasonable cause to believe that the
23 corporation or any director, officer, employee, agent, or

24 other person participating in the conduct of the affairs of
25 such corporation is about to violate];

26 (2) A **violation of** law, rule, or **director-imposed**
27 **written** condition [imposed, in writing, by the director in
28 connection with the granting of any application or other
29 request by the corporation or];

30 (3) A **violation of** any written agreement entered into
31 with the director[,]; or

32 (4) A **violation of** the corporation's charter,

33 the director may issue and serve upon the corporation or
34 such director, officer, employee, agent, or other person a
35 notice of charges in respect thereof.

36 3. Whenever it shall appear to the director that any
37 corporation subject to the provisions of this chapter does
38 not keep its books and accounts in such manner as to enable
39 him **or her** readily to ascertain its true condition or that
40 wrong entries or unlawful uses of the funds of the
41 corporation have been made, the director may issue and serve
42 upon the corporation or any appropriate director, officer,
43 employee, agent, or other person a notice of charges in
44 respect thereof.

45 4. The notice of charges shall contain a statement of
46 the facts constituting the deficiencies, [the] alleged
47 violation or violations, improper use of funds, or [the]
48 unsafe or unsound practice or practices, and shall fix a
49 time and place at which a **contested** hearing will be held to
50 determine whether an order to cease and desist therefrom
51 should [issue] **be issued** against the corporation or the
52 director, officer, employee, agent, or other person
53 participating in the conduct of the affairs of such
54 corporation.

55 5. In the event the party or parties so served shall
56 fail to appear at the hearing, or shall consent to the cease
57 and desist order, or in the event the director shall find
58 that the fact of any deficiency, violation, unsafe or
59 unsound practice, inadequate recordkeeping, or improper use
60 of funds specified has been established, the director may
61 issue and serve upon the corporation or the director,
62 officer, employee, agent, or other person participating in
63 the conduct of the affairs of the corporation an order to
64 cease and desist from the actions, violations, or practices
65 charged.

66 **6. The cease and desist order:**

67 **(1) May require the corporation or its directors,**
68 **officers, employees, agents, and other persons participating**
69 **in the conduct of the affairs of such corporation to cease**
70 **and desist from [same and,] such actions, violations, or**
71 **practices;**

72 **(2) [Further,] May require the corporation or its**
73 **directors, officers, employees, agents, or other persons**
74 **participating in the conduct of the affairs of such**
75 **corporation to take affirmative action to correct the**
76 **conditions resulting from any such actions, violations, or**
77 **practices[. If the director determines that the capital of**
78 **the corporation is impaired,];**

79 **(3) [The order] Shall require that, if the director**
80 **determines that the capital of the corporation is impaired,**
81 **the corporation make good the deficiency forthwith or within**
82 **a time specified in the order[.];**

83 **(4) May, if the director determines that the**
84 **corporation does not keep adequate records, [the order may]**
85 **determine and prescribe such books of account as the**
86 **director, in his discretion, shall require of the**

87 corporation for the purpose of keeping accurate and
88 convenient records of the transactions and accounts[.]; **and**

89 **(5) Shall**, if the director [**shall determine**]
90 **determines** that wrong entries or unlawful uses of the funds
91 of the corporation have been made, [**he shall**] order that the
92 entries shall be corrected, and the sums unlawfully paid out
93 restored by the person or persons responsible for the
94 wrongful or illegal payment thereof.

95 [**6.**] **7.** If a notice of charges served under this
96 section specifies, on the basis of particular facts and
97 circumstances, that a corporation's books and records are so
98 incomplete or inaccurate that the director is unable,
99 through the normal supervisory process, to determine the
100 financial condition of that corporation or the details or
101 purpose of any transaction or transactions that may have a
102 material effect on the financial condition of that
103 corporation, the director may issue a temporary order
104 requiring the cessation of any activity or practice which
105 gave rise, whether in whole or in part, to the incomplete or
106 inaccurate state of the books or records, or affirmative
107 action to restore such books or records to a complete and
108 accurate state, until the completion of the proceedings
109 under this section. Any temporary order issued under this
110 subsection shall become effective upon service and, unless
111 set aside, limited or suspended by a court, shall remain in
112 effect and enforceable until the earlier of the completion
113 of the proceedings initiated under this section or the date
114 on which the director determines by examination or otherwise
115 that the corporation's books and records are accurate and
116 reflect the financial condition of the corporation.

117 [**7.**] **8.** Whenever it shall appear to the director that
118 the violation or threatened violation or the unsafe or

119 unsound practice or practices specified in the notice of
120 charges served upon the corporation or any director,
121 officer, employee, agent, or other person participating in
122 the conduct of the affairs of such corporation pursuant to
123 subsection 4 of this section, or the continuation thereof,
124 is likely to cause insolvency or significant dissipation of
125 assets or earnings of the corporation, or is likely to
126 weaken the condition of the corporation or otherwise
127 prejudice the interests of its depositors prior to the
128 completion of the proceedings conducted pursuant to said
129 subsection, the director may issue a temporary order,
130 effective immediately, requiring the corporation or such
131 director, officer, employee, agent, or other person to cease
132 and desist from any such violation or practice and to take
133 affirmative action to prevent such insolvency, dissipation,
134 condition, or prejudice pending completion of such
135 proceedings. Such order shall remain effective and
136 enforceable pending the completion of the administrative
137 proceedings pursuant to such notice and until such time as
138 the director shall dismiss the charges specified in such
139 notice or if a cease and desist order is issued against the
140 corporation or such director, officer, employee, agent, or
141 other person, until the effective date of such order. The
142 corporation, director, officer, employee, agent, or other
143 person may, within ten days after having been served with a
144 temporary cease and desist order, apply to the circuit court
145 of Cole County for an order setting aside, limiting, or
146 suspending the enforcement, operation, or effectiveness of
147 such order.

148 **[8.] 9.** If any corporation, or any director, officer,
149 employee, agent, or other person participating in the
150 conduct of the affairs of such corporation shall fail or

151 refuse to comply with any duly issued order provided for in
152 this chapter and chapter 362, the corporation or such
153 director, officer, employee, agent, or other person shall
154 pay a civil penalty of not more than one thousand dollars
155 per day for each day the failure or refusal shall continue.
156 The penalty shall be assessed and collected by the director
157 of the division. In determining the amount of the penalty,
158 the director shall take into account the appropriateness of
159 the penalty with respect to the size of the financial
160 resources and good faith of the corporation or person
161 charged, the gravity of the violation, the history of
162 previous violations, and such other matters as justice may
163 require. In addition to the penalty, the director may, in
164 his **or her** discretion, report the delinquency to the
165 attorney general, with a request that **[he] the attorney**
166 **general** proceed as provided in section 361.270, and in the
167 event of such request, the attorney general shall proceed.

361.262. 1. Whenever it shall appear to the director,
2 from any examination **or investigation** made by **[him] the**
3 **director** or **[his] the director's** examiners, that:

4 (1) Any director, officer, or any other person
5 participating in the conduct of the affairs of a corporation
6 subject to this chapter has **[committed any violation of]:**

7 (a) **Violated a** law or regulation **[or of];**

8 (b) **Violated** a cease and desist order **[, or has];**

9 (c) Violated any **director-imposed written** condition
10 **[imposed in writing by the director]** in connection with the
11 grant of any application or other request by such
12 corporation **[or];**

13 (d) **Violated** any written agreement between such
14 corporation and the director **[, or has];**

15 (e) Engaged or participated in any unsafe or unsound
16 practice in connection with the corporation[,]; or [has]

17 (f) Committed or engaged in any act, omission, or
18 practice [which] **that** constitutes a breach of his **or her**
19 fiduciary duty to the corporation[,]; and

20 (2) The director determines that:

21 (a) The corporation has suffered or will probably
22 suffer financial loss or other damage [or that];

23 (b) The interests of its depositors, **beneficiaries, or**
24 **other customers** could be prejudiced by reason of such
25 violation or practice or breach of fiduciary duty[,]; or
26 [that]

27 (c) The director or officer or other person has
28 received financial gain by reason of such violation or
29 practice or breach of fiduciary duty[,]; and

30 (3) **The director determines that** such violation or
31 practice or breach of fiduciary duty is:

32 (a) One involving personal dishonesty on the part of
33 such director, officer or other person[,]; or

34 (b) One [which] **that** demonstrates a willful or
35 continuing disregard for the safety or soundness of the
36 corporation[,];

37 the director may serve upon such director, officer, or other
38 person a written notice of [his] **the director's** intention to
39 remove him **or her** from office.

40 2. When it shall appear **from any examination or**
41 **investigation** to the director [from any examination made by
42 him or his examiners] that any director or officer of a
43 corporation subject to this chapter, by conduct or practice
44 with respect to another such corporation or any business
45 [institution which] **that**:

46 (1) Resulted in financial loss or other damage[, has];

47 (2) Evidenced either:

48 (a) His **or her** personal dishonesty; or

49 (b) A willful or continuing disregard for its safety
50 and soundness; and[, in addition, has]

51 (3) Evidenced his **or her** unfitness to continue as a
52 director or officer, [and whenever it shall appear to the
53 director that any other person participating in the conduct
54 of the affairs of a corporation subject to this chapter, by
55 conduct or practice with respect to such corporation or
56 other corporation or other business institution which
57 resulted in financial loss or other damage, has evidenced
58 either his personal dishonesty or willful or continuing
59 disregard for its safety and soundness and, in addition, has
60 evidenced his unfitness to participate in the conduct of the
61 affairs of such corporation,]

62 the director may serve upon such director[,] **or** officer[, or
63 other person] a written notice of intention to remove him **or**
64 **her** from office or to prohibit his **or her** further
65 participation in any manner in the conduct of the affairs of
66 the corporation or from any other banking, savings, or trust
67 institution supervised by the director.

68 **3. When it shall appear from any examination or**
69 **investigation to the director that any person participating**
70 **in the conduct of the affairs of a corporation subject to**
71 **this chapter, by conduct or practice with respect to such**
72 **corporation or other corporation or other business**
73 **institution that:**

74 (1) **Resulted in financial loss or other damage, has**

75 (2) **Evidenced either:**

76 (a) **His or her personal dishonesty; or**

77 **(b) A willful or continuing disregard for its safety**
78 **and soundness; and**

79 **(3) Evidenced his or her unfitness to participate in**
80 **the conduct of the affairs of such corporation,**

81 **the director may serve upon such person a written notice of**
82 **intention to remove him or her from office or to prohibit**
83 **his or her further participation in any manner in the**
84 **conduct of the affairs of the corporation or from any other**
85 **banking, savings, or trust institution supervised by the**
86 **director.**

87 **4.** Whenever it shall appear to the director to be
88 necessary for the protection of any corporation or its
89 depositors, **[he] beneficiaries, or other customers, the**
90 **director** may, by written notice to such effect served upon
91 any director, officer, or other person referred to in
92 **[subsection 1 or 2] subsections 1 to 3** of this section,
93 suspend him **or her** from office or prohibit him **or her** from
94 further participation in any manner in the conduct of the
95 affairs of the corporation. Such suspension or prohibition
96 shall become effective upon service of such notice and shall
97 remain in effect pending the completion of the
98 administrative proceedings pursuant to the notice served
99 under **[subsection 1 or 2] subsections 1 to 3** of this section
100 and until such time as the director shall dismiss the
101 charges specified in such notice or, if an order of removal
102 or prohibition is issued against the director or officer or
103 other person, until the effective date of any such order.
104 Copies of any such notice shall also be served upon the
105 corporation of which he **or she** is a director or officer or
106 in the conduct of whose affairs he **or she** has participated.

107 [4.] 5. Except as provided in subsection [5] 6 of this
108 section, any person who, pursuant to an order issued under
109 this section, has been removed or suspended from office in a
110 corporation or prohibited from participating in the conduct
111 of the affairs of a corporation may not, while such order is
112 in effect, continue or commence to hold any office in, or
113 participate in any manner in, the conduct of the affairs of
114 any other corporation subject to the provisions of this
115 chapter.

116 [5.] 6. If, on or after the date an order is issued
117 under this section [which] **that** removes or suspends from
118 office any person or prohibits such person from
119 participating in the conduct of the affairs of a
120 corporation, such party receives the written consent of the
121 director, subsection [4] 5 of this section shall, to the
122 extent of such consent, cease to apply to such person with
123 respect to the [corporation] **terms and conditions** described
124 in the written consent and the director shall publicly
125 disclose such consent. Any violation of subsection [4] 5 of
126 this section by any person who is subject to an order
127 described in such subsection shall be treated as a violation
128 of the order.

361.715. 1. Upon the filing of the application, the
2 filing of a certified audit, the payment of the
3 investigation fee and the approval by the director of the
4 necessary bond, the director shall cause, investigate, and
5 determine whether the character, responsibility, and general
6 fitness of the principals of the applicant or any affiliates
7 are such as to command confidence and warrant belief that
8 the business of the applicant will be conducted honestly and
9 efficiently and that the applicant is in compliance with all
10 other applicable state and federal laws. If satisfied, the

11 director shall issue to the applicant a license pursuant to
12 the provisions of sections 361.700 to 361.727. In
13 processing a renewal license, the director shall require the
14 same information and follow the same procedures described in
15 this subsection.

16 2. Each licensee shall pay to the director before the
17 issuance of the license, and annually thereafter on or
18 before April fifteenth of each year, a license fee of
19 ~~three~~ **four** hundred dollars.

20 3. The director may assess a reasonable charge, not to
21 exceed ~~three~~ **four** hundred dollars, for any application to
22 amend and reissue an existing license.

362.034. 1. Any entity that operates as a facility
2 **licensed or certified under Article XIV of the Constitution**
3 **of Missouri may request in writing that a state or local**
4 **licensing authority or agency, including, but not limited**
5 **to, the department of health and senior services or**
6 **department of revenue, share the entity's application,**
7 **license, or other regulatory and financial information with**
8 **a banking institution. A state or local licensing authority**
9 **or agency may also share such information with the banking**
10 **institution's state and federal supervisory agencies.**

11 2. In order to ensure the state or local licensing
12 authority or agency is properly maintaining the
13 confidentiality of individualized data, information, or
14 records, an entity shall include in the written request a
15 waiver giving authorization for the transfer of the
16 individualized data, information, or records and waiving any
17 confidentiality or privilege that applies to that
18 individualized data, information, or records.

19 3. This section shall only apply to the disclosure of
20 information by a state or local licensing authority or

21 agency reasonably necessary to facilitate the provision of
22 financial services by a banking institution to the entity
23 making a request pursuant to this section.

24 4. The recipient of any information pursuant to this
25 section shall treat such information as confidential and use
26 it only for the purposes described in this section.

27 5. Nothing in this section shall be construed to
28 authorize the disclosure of confidential or privileged
29 information, nor waive an entity's rights to assert
30 confidentiality or privilege, except as reasonably necessary
31 to facilitate the provision of financial services for the
32 entity making the request.

33 6. An entity that has provided a waiver pursuant to
34 this section may withdraw the waiver with thirty days'
35 notice in writing.

36 7. Nothing in this section shall be construed to
37 modify the requirements of chapter 610.

38 8. For purposes of this section, the following terms
39 mean:

40 (1) "Banking institution", the same meaning as in
41 Article IV, Section 15 of the Missouri Constitution;

42 (2) "Entity", the same meaning as in Article XIV of
43 the Missouri Constitution.

364.030. 1. No person shall engage in the business of
2 a financing institution in this state without a license
3 therefor as provided in this chapter; except, however, that
4 no bank, trust company, loan and investment company,
5 licensed sales finance company, registrant under the
6 provisions of sections 367.100 to 367.200, or person who
7 makes only occasional purchases of retail time contracts or
8 accounts under retail charge agreements and which purchases
9 are not being made in the course of repeated or successive

10 purchase of retail installment contracts from the same
11 seller, shall be required to obtain a license under this
12 chapter but shall comply with all the laws of this state
13 applicable to the conduct and operation of a financing
14 institution.

15 2. The application for the license shall be in
16 writing, under oath and in the form prescribed by the
17 director. The application shall contain the name of the
18 applicant; date of incorporation, if incorporated; the
19 address where the business is or is to be conducted and
20 similar information as to any branch office of the
21 applicant; the name and resident address of the owner or
22 partners or, if a corporation or association, of the
23 directors, trustees and principal officers, and other
24 pertinent information as the director may require.

25 3. The license fee for each calendar year or part
26 thereof shall be the sum of **[five] six** hundred dollars for
27 each place of business of the licensee in this state which
28 shall be paid into the general revenue fund. The director
29 may establish a biennial licensing arrangement but in no
30 case shall the fees be payable for more than one year at a
31 time.

32 4. Each license shall specify the location of the
33 office or branch and must be conspicuously displayed
34 therein. In case the location is changed, the director
35 shall either endorse the change of location of the license
36 or mail the licensee a certificate to that effect, without
37 charge.

38 5. Upon the filing of an application, and the payment
39 of the fee, the director shall issue a license to the
40 applicant to engage in the business of a financing
41 institution under and in accordance with the provisions of

42 this chapter for a period which shall expire the last day of
43 December next following the date of its issuance. The
44 license shall not be transferable or assignable. No
45 licensee shall transact any business provided for by this
46 chapter under any other name.

364.105. 1. No person shall engage in the business of
2 a premium finance company in this state without first
3 registering as a premium finance company with the director.

4 2. The annual registration fee shall be **[five] six**
5 hundred dollars payable to the director as of the first day
6 of July of each year. The director may establish a biennial
7 licensing arrangement but in no case shall the fees be
8 payable for more than one year at a time.

9 3. Registration shall be made on forms prepared by the
10 director and shall contain the following information:

11 (1) Name, business address and telephone number of the
12 premium finance company;

13 (2) Name and business address of corporate officers
14 and directors or principals or partners;

15 (3) A sworn statement by an appropriate officer,
16 principal or partner of the premium finance company that:

17 (a) The premium finance company is financially capable
18 to engage in the business of insurance premium financing; and

19 (b) If a corporation, that the corporation is
20 authorized to transact business in this state;

21 (4) If any material change occurs in the information
22 contained in the registration form, a revised statement
23 shall be submitted to the director accompanied by an
24 additional fee of three hundred dollars.

365.030. 1. No person shall engage in the business of
2 a sales finance company in this state without a license as
3 provided in this chapter; except, that no bank, trust

4 company, savings and loan association, loan and investment
5 company or registrant under the provisions of sections
6 367.100 to 367.200 authorized to do business in this state
7 is required to obtain a license under this chapter but shall
8 comply with all of the other provisions of this chapter.

9 2. The application for the license shall be in
10 writing, under oath and in the form prescribed by the
11 director. The application shall contain the name of the
12 applicant; date of incorporation, if incorporated; the
13 address where the business is or is to be conducted and
14 similar information as to any branch office of the
15 applicant; the name and resident address of the owner or
16 partners or, if a corporation or association, of the
17 directors, trustees and principal officers, and such other
18 pertinent information as the director may require.

19 3. The license fee for each calendar year or part
20 thereof shall be the sum of **[five] six** hundred dollars for
21 each place of business of the licensee in this state. The
22 director may establish a biennial licensing arrangement but
23 in no case shall the fees be payable for more than one year
24 at a time.

25 4. Each license shall specify the location of the
26 office or branch and must be conspicuously displayed there.
27 In case the location is changed, the director shall either
28 endorse the change of location on the license or mail the
29 licensee a certificate to that effect, without charge.

30 5. Upon the filing of the application, and the payment
31 of the fee, the director shall issue a license to the
32 applicant to engage in the business of a sales finance
33 company under and in accordance with the provisions of this
34 chapter for a period which shall expire the last day of
35 December next following the date of its issuance. The

36 license shall not be transferable or assignable. No
37 licensee shall transact any business provided for by this
38 chapter under any other name.

367.140. 1. Every lender shall, at the time of filing
2 application for certificate of registration as provided in
3 section 367.120 hereof, pay the sum of **[five]** **six** hundred
4 dollars as an annual registration fee for the period ending
5 the thirtieth day of June next following the date of payment
6 and in full payment of all expenses for investigations,
7 examinations and for the administration of sections 367.100
8 to 367.200, except as provided in section 367.160, and
9 thereafter a like fee shall be paid on or before June
10 thirtieth of each year; provided, that if a lender is
11 supervised by the commissioner of finance under any other
12 law, the charges for examination and supervision required to
13 be paid under said law shall be in lieu of the annual fee
14 for registration and examination required under this
15 section. The fee shall be made payable to the director of
16 revenue. If the initial registration fee for any
17 certificate of registration is for a period of less than
18 twelve months, the registration fee shall be prorated
19 according to the number of months that said period shall
20 run. The director may establish a biennial licensing
21 arrangement but in no case shall the fees be payable for
22 more than one year at a time.

23 2. Upon receipt of such fee and application for
24 registration, and provided the bond, if required by the
25 director, has been filed, the director shall issue to the
26 lender a certificate containing the lender's name and
27 address and reciting that such lender is duly and properly
28 registered to conduct the supervised business. The lender
29 shall keep this certificate of registration posted in a

30 conspicuous place at the place of business recited in the
31 registration certificate. Where the lender engages in the
32 supervised business at or from more than one office or place
33 of business, such lender shall obtain a separate certificate
34 of registration for each such office or place of business.

35 3. Certificates of registration shall not be
36 assignable or transferable except that the lender named in
37 any such certificate may obtain a change of address of the
38 place of business therein set forth. Each certificate of
39 registration shall remain in full force and effect until
40 surrendered, revoked, or suspended as herein provided.

407.640. 1. A credit services organization shall file
2 a registration statement with the director of finance before
3 conducting business in this state. The registration
4 statement must contain:

5 (1) The name and address of the credit services
6 organization; and

7 (2) The name and address of any person who directly or
8 indirectly owns or controls ten percent or more of the
9 outstanding shares of stock in the credit services
10 organization.

11 2. The registration statement must also contain either:

12 (1) A full and complete disclosure of any litigation
13 or unresolved complaint filed by or with a governmental
14 authority of this state relating to the operation of the
15 credit services organization; or

16 (2) A notarized statement that states that there has
17 been no litigation or unresolved complaint filed by or with
18 a governmental authority of this state relating to the
19 operation of the credit services organization.

20 3. The credit services organization shall update the
21 statement not later than the ninetieth day after the date on

22 which a change in the information required in the statement
23 occurs.

24 4. Each credit services organization registering under
25 this section shall maintain a copy of the registration
26 statement in the office of the credit services
27 organization. The credit services organization shall allow
28 a buyer to inspect the registration statement on request.

29 5. The director of finance may charge each credit
30 services organization that files a registration statement
31 with the director of finance a reasonable fee not to exceed
32 **[three] four** hundred dollars to cover the cost of filing.
33 The director of finance may not require a credit services
34 organization to provide information other than that provided
35 in the registration statement as part of the registration
36 process.

408.145. 1. To encourage competitive equality,
2 lenders issuing credit cards in this state pursuant to the
3 authority of section 408.100 or 408.200, may **[in addition to**
4 **lawful interest, contract for, charge and collect fees for]**
5 **issue** such credit cards **under such terms and conditions**
6 which any lender in any contiguous state is permitted to
7 **[charge] utilize** for credit cards issued in such contiguous
8 state by such state's statutes. State-chartered lenders
9 **[charging such fees] issuing credit cards** in reliance on
10 this subsection shall file a copy of the pertinent statutes
11 of one contiguous state authorizing credit card **[fees] terms**
12 **and conditions** with the director of finance or such lender's
13 principal state regulator. The director of finance or other
14 principal state regulator shall, within thirty days after
15 receipt of the filing, approve or disapprove of such **[fees]**
16 **terms and conditions** on the sole basis of whether the
17 statutes of such contiguous state permit such **[fees] terms**

18 **and conditions**, and without regard to the restrictions
19 placed upon credit cards by subsection 2 of this section.
20 When the lender is chartered by the federal government, or
21 any agency thereunder, or is unregulated, such lender shall
22 file with and be approved by the Missouri attorney general
23 under the same provision as provided a state-chartered
24 lender.

25 2. "Credit card" as used in this section shall mean a
26 credit device defined as such in the federal Consumer Credit
27 Protection Act and regulations thereunder, except:

28 (1) The term shall be limited to credit devices which
29 permit the holder to purchase goods and service upon
30 presentation to third parties whether or not the credit card
31 also permits the holder to obtain loans of any other type;
32 and

33 (2) Such credit device shall only provide credit which
34 is not secured by real or personal property.

35 3. "Lender" as used in this section shall mean any
36 category of depository or nondepository creditor.
37 Notwithstanding the provisions of [section 408.140] **sections**
38 **408.100 to 408.190 to the contrary**, the lender shall declare
39 on each credit card contract whether the credit card [fees
40 are governed by section 408.140, or by] **is issued pursuant**
41 **to** this section.

408.500. 1. Lenders, other than banks, trust
2 companies, credit unions, savings banks and savings and loan
3 companies, in the business of making unsecured loans of five
4 hundred dollars or less shall obtain a license from the
5 director of the division of finance. An annual license fee
6 of [five] **six** hundred dollars per location shall be
7 required. The license year shall commence on January first
8 each year and the license fee may be prorated for expired

9 months. The director may establish a biennial licensing
10 arrangement but in no case shall the fees be payable for
11 more than one year at a time. The provisions of this
12 section shall not apply to pawnbroker loans, consumer credit
13 loans as authorized under chapter 367, nor to a check
14 accepted and deposited or cashed by the payee business on
15 the same or the following business day. The disclosures
16 required by the federal Truth in Lending Act and regulation
17 Z shall be provided on any loan, renewal or extension made
18 pursuant to this section and the loan, renewal or extension
19 documents shall be signed by the borrower.

20 2. Entities making loans pursuant to this section
21 shall contract for and receive simple interest and fees in
22 accordance with sections 408.100 and 408.140. Any contract
23 evidencing any fee or charge of any kind whatsoever, except
24 for bona fide clerical errors, in violation of this section
25 shall be void. Any person, firm or corporation who receives
26 or imposes a fee or charge in violation of this section
27 shall be guilty of a class A misdemeanor.

28 3. Notwithstanding any other law to the contrary, cost
29 of collection expenses, which include court costs and
30 reasonable attorneys fees, awarded by the court in suit to
31 recover on a bad check or breach of contract shall not be
32 considered as a fee or charge for purposes of this section.

33 4. Lenders licensed pursuant to this section shall
34 conspicuously post in the lobby of the office, in at least
35 fourteen-point bold type, the maximum annual percentage
36 rates such licensee is currently charging and the statement:

37 NOTICE:

38 This lender offers short-term loans. Please
39 read and understand the terms of the loan
40 agreement before signing.

41 5. The lender shall provide the borrower with a notice
42 in substantially the following form set forth in at least
43 ten-point bold type, and receipt thereof shall be
44 acknowledged by signature of the borrower:

45 (1) This lender offers short-term loans.
46 Please read and understand the terms of the loan
47 agreement before signing.

48 (2) You may cancel this loan without costs by
49 returning the full principal balance to the
50 lender by the close of the lender's next full
51 business day.

52 6. The lender shall renew the loan upon the borrower's
53 written request and the payment of any interest and fees due
54 at the time of such renewal; however, upon the first renewal
55 of the loan agreement, and each subsequent renewal
56 thereafter, the borrower shall reduce the principal amount
57 of the loan by not less than five percent of the original
58 amount of the loan until such loan is paid in full.
59 However, no loan may be renewed more than six times.

60 7. When making or negotiating loans, a licensee shall
61 consider the financial ability of the borrower to reasonably
62 repay the loan in the time and manner specified in the loan
63 contract. All records shall be retained at least two years.

64 8. A licensee who ceases business pursuant to this
65 section must notify the director to request an examination
66 of all records within ten business days prior to cessation.
67 All records must be retained at least two years.

68 9. Any lender licensed pursuant to this section who
69 fails, refuses or neglects to comply with the provisions of
70 this section, or any laws relating to consumer loans or
71 commits any criminal act may have its license suspended or
72 revoked by the director of finance after a hearing before

73 the director on an order of the director to show cause why
74 such order of suspension or revocation should not be entered
75 specifying the grounds therefor which shall be served on the
76 licensee at least ten days prior to the hearing.

77 10. Whenever it shall appear to the director that any
78 lender licensed pursuant to this section is failing,
79 refusing or neglecting to make a good faith effort to comply
80 with the provisions of this section, or any laws relating to
81 consumer loans, the director may issue an order to cease and
82 desist which order may be enforceable by a civil penalty of
83 not more than one thousand dollars per day for each day that
84 the neglect, failure or refusal shall continue. The penalty
85 shall be assessed and collected by the director. In
86 determining the amount of the penalty, the director shall
87 take into account the appropriateness of the penalty with
88 respect to the gravity of the violation, the history of
89 previous violations, and such other matters as justice may
90 require.

**436.550. Sections 436.550 to 436.570 shall be known
2 and may be cited as the "Consumer Legal Funding Act".**

**436.552. As used in sections 436.550 to 436.570, the
2 following terms mean:**

3 (1) "Advertise", publishing or disseminating any
4 written, electronic, or printed communication or any
5 communication by means of recorded telephone messages or
6 transmitted on radio, television, the internet, or similar
7 communications media, including film strips, motion
8 pictures, and videos, published, disseminated, circulated,
9 or placed before the public, directly or indirectly, for the
10 purpose of inducing a consumer to enter into a consumer
11 legal funding contract;

12 (2) "Charges", the amount of moneys to be paid to the
13 consumer legal funding company by or on behalf of the
14 consumer above the funded amount provided by or on behalf of
15 the company to a consumer under sections 436.550 to
16 436.570. Charges include all administrative, origination,
17 underwriting, or other fees, no matter how denominated;

18 (3) "Consumer", a natural person who has a legal claim
19 and resides or is domiciled in Missouri;

20 (4) "Consumer legal funding company" or "company", a
21 person or entity that enters into a consumer legal funding
22 contract with a consumer. The term shall not include:

23 (a) An immediate family member of the consumer;

24 (b) A bank, lender, financing entity, or other special
25 purpose entity:

26 a. That provides financing to a consumer legal funding
27 company; or

28 b. To which a consumer legal funding company grants a
29 security interest or transfers any rights or interest in a
30 consumer legal funding; or

31 (c) An attorney or accountant who provides services to
32 a consumer;

33 (5) "Consumer legal funding contract", a nonrecourse
34 contractual transaction in which a consumer legal funding
35 company purchases and a consumer assigns to the company a
36 contingent right to receive an amount of the potential
37 proceeds of a settlement, judgment, award, or verdict
38 obtained in the consumer's legal claim;

39 (6) "Director", the director of the division of
40 finance within the department of commerce and insurance;

41 (7) "Division", the division of finance within the
42 department of commerce and insurance;

43 (8) "Funded amount", the amount of moneys provided to
44 or on behalf of the consumer in the consumer legal funding
45 contract. "Funded amount" shall not include charges;

46 (9) "Funding date", the date on which the funded
47 amount is transferred to the consumer by the consumer legal
48 funding company either by personal delivery, via wire,
49 automated clearing house transfer, or other electronic
50 means, or by insured, certified, or registered United States
51 mail;

52 (10) "Immediate family member", a parent; sibling;
53 child by blood, adoption, or marriage; spouse; grandparent;
54 or grandchild;

55 (11) "Legal claim", a bona fide civil claim or cause
56 of action, any alternative dispute resolution proceeding, or
57 any administrative proceeding before any agency or
58 instrumentality of this state;

59 (12) "Medical provider", any person or business
60 providing medical services of any kind to a consumer
61 including, but not limited to, physicians, nurse
62 practitioners, hospitals, physical therapists,
63 chiropractors, or radiologists as well as any of their
64 employees or contractors or any practice groups,
65 partnerships, or incorporations of the same;

66 (13) "Resolution date", the date the amount funded to
67 the consumer, plus the agreed-upon charges, is delivered to
68 the consumer legal funding company.

436.554. 1. All consumer legal funding contracts
2 shall meet the following requirements:

3 (1) The contract shall be completely filled in when
4 presented to the consumer for signature;

5 (2) The contract shall contain, in bold and boxed
6 type, a right of rescission allowing the consumer to cancel

7 the contract without penalty or further obligation if,
8 within five business days after the funding date, the
9 consumer either:

10 (a) Returns the full amount of the disbursed funds to
11 the consumer legal funding company by delivering the
12 company's uncashed check to the company's office in person;
13 or

14 (b) Mails a notice of cancellation by insured,
15 certified, or registered United States mail to the address
16 specified in the contract and includes a return of the full
17 amount of disbursed funds in such mailing in the form of the
18 company's uncashed check or a registered or certified check
19 or money order;

20 (3) The contract shall contain the initials of the
21 consumer on each page; and

22 (4) The contract shall require the consumer to give
23 nonrevocable written direction to the consumer's attorney
24 requiring the attorney to notify the consumer legal funding
25 company when the legal claim has been resolved. Once the
26 consumer legal funding company confirms in writing the
27 amount due under the contract, the consumer's attorney shall
28 pay, from the proceeds of the resolution of the legal claim,
29 the consumer legal funding company the amount due within ten
30 business days.

31 2. The consumer legal funding company shall provide
32 the consumer's attorney with a written notification of the
33 consumer legal funding contract provided to the consumer
34 within three business days of the funding date by way of
35 postal mail, courier service, facsimile, or other means of
36 proof of delivery method.

37 3. A consumer legal funding contract shall be entered
38 into only if the contract involves an existing legal claim
39 in which the consumer is represented by an attorney.

436.556. No consumer legal funding company shall:

2 (1) Pay or offer to pay commissions, referral fees, or
3 other forms of consideration to any attorney, law firm,
4 medical provider, chiropractor, or physical therapist or any
5 of their employees for referring a consumer to the company;

6 (2) Accept any commissions, referral fees, rebates, or
7 other forms of consideration from an attorney, law firm,
8 medical provider, chiropractor, or physical therapist or any
9 of their employees;

10 (3) Intentionally advertise materially false or
11 misleading information regarding its products or services;

12 (4) Refer, in furtherance of an initial legal funding,
13 a customer or potential customer to a specific attorney, law
14 firm, medical provider, chiropractor, or physical therapist
15 or any of their employees. However, the company may refer
16 the customer to a local or state bar association referral
17 service if a customer needs legal representation;

18 (5) Fail to promptly supply a copy of the executed
19 contract to the consumer's attorney;

20 (6) Knowingly provide funding to a consumer who has
21 previously assigned or sold a portion of the right to
22 proceeds from the consumer's legal claim unless the consumer
23 legal funding company pays or purchases the entire
24 unsatisfied funded amount and contracted charges from the
25 prior consumer legal funding company or the two companies
26 agree to a lesser amount in writing. However, multiple
27 companies may agree to contemporaneously provide funding to
28 a consumer, provided that the consumer and the consumer's
29 attorney consent to the arrangement in writing;

30 (7) Receive any right to or make any decisions with
31 respect to the conduct of the underlying legal claim or any
32 settlement or resolution thereof. The right to make such
33 decisions shall remain solely with the consumer and the
34 attorney in the legal claim; or

35 (8) Knowingly pay or offer to pay for court costs,
36 filing fees, or attorney's fees either during or after the
37 resolution of the legal claim by using funds from the
38 consumer legal funding contract. The consumer legal funding
39 contract shall include a provision advising the consumer
40 that the funding shall not be used for such costs or fees.

 436.558. 1. The contracted amount to be paid to the
2 consumer legal funding company shall be set as a
3 predetermined amount based upon intervals of time from the
4 funding date to the resolution date and shall not be
5 determined as a percentage of the recovery from the legal
6 claim.

7 2. No consumer legal funding contract shall be valid
8 if its terms exceed a period of forty-eight months. No
9 consumer legal funding contract shall be automatically
10 renewed.

 436.560. All consumer legal funding contracts shall
2 contain the disclosures specified in this section, which
3 shall constitute material terms of the contract. Unless
4 otherwise specified, the disclosures shall be typed in at
5 least twelve-point bold-type font and be placed clearly and
6 conspicuously within the contract, as follows:

7 (1) On the front page under appropriate headings,
8 language specifying:

9 (a) The funded amount to be paid to the consumer by
10 the consumer legal funding company;

11 (b) An itemization of one-time charges;

12 (c) The total amount to be assigned by the consumer to
13 the company, including the funded amount and all charges; and

14 (d) A payment schedule to include the funded amount
15 and charges, listing all dates and the amount due at the end
16 of each six-month period from the funding date until the
17 date the maximum amount due to the company by the consumer
18 to satisfy the amount due pursuant to the contract;

19 (2) Within the body of the contract, in accordance
20 with the provisions under subdivision (2) of subsection 1 of
21 section 436.554: "Consumer's Right to Cancellation": You may
22 cancel this contract without penalty or further obligation
23 within five business days after the funding date if you
24 either:

25 (a) Return the full amount of the disbursed funds to
26 the consumer legal funding company by delivering the
27 company's uncashed check to the company's office in person;
28 or

29 (b) Mail a notice of cancellation by insured,
30 certified, or registered United States mail to the company
31 at the address specified in the contract and include a
32 return of the full amount of disbursed funds in such mailing
33 in the form of the company's uncashed check or a registered
34 or certified check or money order;

35 (3) Within the body of the contract, language
36 specifying that the consumer legal funding company shall
37 have no role in deciding whether, when, or for how much the
38 legal claim is settled and that the consumer or the
39 consumer's attorney shall notify the company of whether the
40 outcome of the legal claim will be by settlement or by
41 adjudication prior to the resolution date. The company may
42 seek updated information about the status of the legal claim
43 but in no event shall the company interfere with the

44 independent professional judgment of the attorney in the
45 handling of the legal claim or any settlement thereof;

46 (4) Within the body of the contract, in all capital
47 letters and in at least twelve-point bold-type font
48 contained within a box: "THE FUNDED AMOUNT AND AGREED-UPON
49 CHARGES SHALL BE PAID ONLY FROM THE PROCEEDS OF YOUR LEGAL
50 CLAIM AND SHALL BE PAID ONLY TO THE EXTENT THAT THERE ARE
51 AVAILABLE PROCEEDS FROM YOUR LEGAL CLAIM. IF THERE IS NO
52 RECOVERY OF ANY DAMAGES FROM YOUR LEGAL CLAIM OR IF THERE IS
53 NOT ENOUGH MONEY TO PAY BACK THE CONSUMER LEGAL FUNDING
54 COMPANY IN FULL, YOU WILL NOT BE OBLIGATED TO PAY THE
55 CONSUMER LEGAL FUNDING COMPANY ANYTHING IN EXCESS OF YOUR
56 RECOVERY UNLESS YOU HAVE VIOLATED THIS CONTRACT. YOU WILL
57 NOT OWE (INSERT NAME OF THE CONSUMER LEGAL FUNDING COMPANY)
58 ANYTHING IF THERE ARE NO PROCEEDS FROM YOUR LEGAL CLAIM
59 UNLESS YOU OR YOUR ATTORNEY HAVE VIOLATED ANY MATERIAL TERM
60 OF THIS CONTRACT OR UNLESS YOU HAVE COMMITTED FRAUD AGAINST
61 THE CONSUMER LEGAL FUNDING COMPANY."; and

62 (5) Located immediately above the place on the
63 contract where the consumer's signature is required, in
64 twelve-point font: "Do not sign this contract before you
65 read it completely or if it contains any blank spaces. You
66 are entitled to a completely filled-in copy of the
67 contract. Before you sign this contract, you should obtain
68 the advice of an attorney. Depending on the circumstances,
69 you may want to consult a tax, public or private benefits
70 planning, or financial professional. You acknowledge that
71 your attorney in the legal claim has provided no tax, public
72 or private benefit planning, or financial advice regarding
73 this transaction."

436.562. 1. Nothing in sections 436.550 to 436.570
2 shall be construed to restrict the exercise of powers or the

3 performance of the duties of the state attorney general that
4 he or she is authorized to exercise or perform by law.

5 2. If a court of competent jurisdiction determines
6 that a consumer legal funding company has intentionally
7 violated the provisions of sections 436.550 to 436.570 in a
8 consumer legal funding contract, the consumer legal funding
9 contract shall be voided.

436.564. 1. The contingent right to receive an amount
2 of the potential proceeds of a legal claim is assignable.

3 2. Nothing contained in sections 436.550 to 436.570
4 shall be construed to cause any consumer legal funding
5 contract conforming to sections 436.550 to 436.570 to be
6 deemed a loan or to be subject to any of the provisions
7 governing loans. A consumer legal funding contract that
8 complies with sections 436.550 to 436.570 is not subject to
9 any other statutory or regulatory provisions governing loans
10 or investment contracts. To the extent that sections
11 436.550 to 436.570 conflict with any other law, such
12 sections shall supersede the other law for the purposes of
13 regulating consumer legal funding in this state.

14 3. Only attorney's liens related to the legal claim,
15 Medicare, or other statutory liens related to the legal
16 claim shall take priority over claims to proceeds from the
17 consumer legal funding company. All other liens and claims
18 shall take priority by normal operation of law.

19 4. No consumer legal funding company shall report a
20 consumer to a credit reporting agency if insufficient funds
21 remain from the net proceeds to repay the company.

436.566. An attorney or law firm retained by the
2 consumer in the legal claim shall not have a financial
3 interest in the consumer legal funding company offering
4 consumer legal funding to that consumer. Additionally, any

5 practicing attorney who has referred the consumer to his or
6 her retained attorney shall not have a financial interest in
7 the consumer legal funding company offering consumer legal
8 funding to that consumer.

436.568. No communication between the consumer's
2 attorney in the legal claim and the consumer legal funding
3 company as it pertains to the consumer legal funding
4 contract shall limit, waive, or abrogate the scope or nature
5 of any statutory or common-law privilege, including the work-
6 product doctrine and attorney-client privilege.

436.570. 1. A consumer legal funding company shall
2 not engage in the business of consumer legal funding in this
3 state, unless it has first obtained a license from the
4 division of finance.

2. A consumer legal funding company's initial or
6 renewal license application shall be in writing, made under
7 oath, and on a form provided by the director.

3. Every consumer legal funding company, at the time
9 of filing a license application, shall pay the sum of five
10 hundred dollars for a period ending the thirtieth day of
11 June next following the date of payment; and thereafter a
12 like fee shall be paid on or before June thirtieth of each
13 year and shall be credited to the division of finance fund.

4. A consumer legal funding license shall not be
15 issued unless the division of finance, upon investigation,
16 finds that the character and fitness of the applicant
17 company, and of the officers and directors thereof, are such
18 as to warrant belief that the business shall operate
19 honestly and fairly within the purposes of sections 436.550
20 to 436.570.

5. Every applicant shall also, at the time of filing
22 such application, file a bond satisfactory to the division

23 of finance in an amount not to exceed fifty thousand
24 dollars. The bond shall provide that the applicant shall
25 faithfully conform to and abide by the provisions of
26 sections 436.550 to 436.570, to all rules lawfully made by
27 the director under sections 436.550 to 436.570, and to any
28 such person or persons any and all amounts of moneys that
29 may become due or owing to the state or to such person or
30 persons from the applicant under and by virtue of sections
31 436.550 to 436.570, which shall cover any actions that
32 occurred while the bond was in place for the applicable
33 period of limitations under statute and so long as the bond
34 is not exhausted by valid claims.

35 6. When an action is commenced on a licensee's bond,
36 the director may require the filling of a new bond.
37 Immediately upon any recovery on the bond, the licensee
38 shall file a new bond.

39 7. In order to ensure the effective supervision and
40 enforcement of sections 436.550 to 436.570, the director
41 may, after a contested hearing under chapter 536:

42 (1) Deny, suspend, revoke, condition, or decline to
43 renew a license for a violation of sections 436.550 to
44 436.570, rules issued under sections 436.550 to 436.570, or
45 order or directive entered under sections 436.550 to 436.570;

46 (2) Deny, suspend, revoke, condition, or decline to
47 renew a license if an applicant or licensee fails at any
48 time meet the requirements of sections 436.550 to 436.570,
49 or withholds information or makes a material misstatement in
50 an application for a license or renewal of a license;

51 (3) Order restitution against persons subject to
52 sections 436.550 to 436.570 for violations of sections
53 436.550 to 436.570; and

54 (4) Order or direct such other affirmative action as
55 the director deems necessary.

56 8. Any letter issued by the director and declaring
57 grounds for denying or declining to grant or renew a license
58 may be appealed to the circuit court of Cole County. All
59 other matters presenting a contested case involving a
60 licensee may be heard by the director under chapter 536.

61 9. Notwithstanding the prior approval requirement of
62 subsection 1 of this section, a consumer legal funding
63 company that has applied with the division of finance
64 between the effective date of sections 436.550 to 436.570
65 and six months thereafter may engage in consumer legal
66 funding while the license application of the company or an
67 affiliate of the company is awaiting approval by the
68 division of finance. All funding contracts in effect prior
69 to the effective date of sections 436.550 to 436.570 are not
70 subject to the terms of sections 436.550 to 436.570.

71 10. Whenever it shall appear to the director that any
72 consumer legal funding company is failing, refusing or
73 neglecting to make a good faith effort to comply with the
74 provisions of sections 436.550 to 436.570, or any laws or
75 rules relating to consumer legal funding, the director may
76 issue an order to cease and desist which order may be
77 enforceable by a civil penalty of not more than one thousand
78 dollars per day for each day that the neglect, failure, or
79 refusal shall continue. The penalty shall be assessed and
80 collected by the director. In determining the amount of the
81 penalty, the director shall take into account the
82 appropriateness of the penalty of previous violations, and
83 such other matters as justice may require.

84 11. In the event any consumer legal funding company
85 fails, refuses, or neglects to comply with the provisions of

86 sections 436.550 to 436.570, or of any laws or rules of the
87 state of Missouri relating to consumer legal funding, its
88 license may be suspended or revoked by order of the director
89 after a hearing before said director on any order to show
90 cause why such order of suspension or revocation should not
91 be entered specifying the grounds therefor which shall be
92 served on the particular consumer legal funding company at
93 least ten days prior to the hearing. Any order made and
94 entered by the director may be appealed to the circuit court
95 of Cole County.

96 12. The division shall conduct an examination of each
97 consumer funding company at least once every twenty-four
98 months and such other times as the director may determine.

99 (1) In connection with any such investigation or
100 examination, the director and his or her representatives
101 shall have free and immediate access to the place or places
102 of business and the books and records, and shall have the
103 authority to place under oath all persons whose testimony
104 may be required relative to the affairs and business of the
105 consumer legal funding company.

106 (2) The director may also make such special
107 investigations or examination as the director deems
108 necessary to determine whether any consumer legal funding
109 company has violated any of the provisions of sections
110 436.550 to 436.570 or rules promulgated thereunder; and may
111 assess the reasonable costs of any investigation or
112 examination incurred by the division to the company.

113 13. The division of finance shall have the authority
114 to promulgate rules to carry out the provisions of sections
115 436.550 to 436.570. Any rule or portion of a rule, as that
116 term is defined in section 536.010, that is created under
117 the authority delegated in this section shall become

118 effective only if it complies with and is subject to all of
119 the provisions of chapter 536 and, if applicable, section
120 536.028. This section and chapter 536 are nonseverable, and
121 if any of the powers vested with the general assembly
122 pursuant to chapter 536 to review, to delay the effective
123 date, or to disapprove and annul a rule are subsequently
124 held unconstitutional, then the grant of rulemaking
125 authority and any rule proposed or adopted after August 28,
126 2023, shall be invalid and void.

436.571. Sections 436.571 to 436.580 shall be known
2 and may be cited as the "Consumer Litigation Financing
3 Act". As used in sections 436.571 to 436.580, the following
4 terms mean:

5 (1) "Consumer", any natural person who resides, is
6 present, or is domiciled in this state or who is or may
7 become a plaintiff or complainant in a lawsuit or other
8 legal dispute in this state;

9 (2) "Legal claim", a bona fide civil claim or cause of
10 action, any alternative dispute resolution proceeding, or
11 any administrative proceeding before any agency or
12 instrumentality of this state;

13 (3) "Legal representative", an attorney, group of
14 attorneys, law firm, or other party who may represent a
15 person or persons in a legal dispute in this state;

16 (4) "Litigation activities", any legal work and advice
17 directly related to the prosecution of a legal claim
18 including filings, legal document preparation and drafting,
19 appeals, creation of a litigation strategy, drafting
20 testimony, and related litigation. Funds provided to a
21 consumer for his or her personal needs and use are not
22 litigation activities;

23 (5) "Litigation financier", a person, group of persons,
24 or legal entity engaged in the business of litigation
25 financing or any other mechanism created with the intent of
26 so doing;

27 (6) "Litigation financing", the funding of litigation
28 activities by entities other than the parties themselves,
29 their counsel, or other entities with a preexisting
30 contractual relationship with one of the parties, such as an
31 indemnitor or a liability insurer;

32 (7) "Litigation financing transaction", a nonrecourse
33 transaction in which financing is provided to a consumer in
34 return for a consumer assigning to the litigation financier a
35 contingent right to receive an amount of the potential
36 proceeds of the consumer's judgment, award, settlement, or
37 verdict obtained with respect to the consumer's legal claim
38 or agreeing to pay the litigation financier interest or other
39 fees for the financing provided. "Litigation financing"
40 shall not include legal representation services provided to
41 a consumer on a contingency fee basis, or legal costs
42 advanced by a legal representative, if such services or
43 costs are provided to or on behalf of a consumer by an
44 attorney representing the consumer in the dispute and in
45 accordance with rule 4 of the rules of the supreme court;

46 (8) "Medical provider", any person or business
47 providing medical services of any kind to a consumer
48 including, but not limited to, physicians, nurse
49 practitioners, hospitals, physical therapists,
50 chiropractors, or radiologists as well as any of their
51 employees or contractors or any practice groups,
52 partnerships, or incorporations of the same.

436.572. 1. A litigation financier shall not engage in
2 the business of litigation financing in this state, unless
3 it has first obtained a license from the division of finance.

4 2. A litigation financier's initial or renewal license
5 application shall be in writing, made under oath, and on a
6 form provided by the director.

7 3. Every litigation financier at the time of filing a
8 license application, shall pay the sum of five hundred fifty
9 dollars for the period ending the thirtieth day of June next
10 following the date of payment; and thereafter a like fee
11 shall be paid on or before June thirtieth of each year and
12 shall be credited to the division of finance fund.

13 4. A litigation financier license shall not be issued
14 unless the division of finance, upon investigation, finds
15 that the character and fitness of the applicant company, and
16 of the officers and directors thereof, are such as to
17 warrant belief that the business shall operate honestly and
18 fairly within the purposes of sections 436.571 to 436.580.

19 5. Every applicant shall also, at the time of filing
20 such application, file a bond satisfactory to the division
21 of finance in an amount not to exceed fifty thousand
22 dollars. The bond shall provide that the applicant shall
23 faithfully conform to and abide by the provisions of
24 sections 436.571 to 436.580, to all rules lawfully made by
25 the director under sections 436.571 to 436.580, and to any
26 such person or persons any and all amounts of moneys that
27 may become due or owing to the state or to such person or
28 persons from the licensee under and by virtue of sections
29 436.571 to 436.580, which shall cover any actions that
30 occurred while the bond was in place for the applicable
31 period of limitations under statute and so long as the bond
32 is not exhausted by valid claims.

33 6. When an action is commenced on a licensee's bond,
34 the director may require the filing of a new bond.
35 Immediately upon any recovery on the bond, the licensee
36 shall file a new bond.

37 7. In order to ensure the effective supervision and
38 enforcement of sections 436.571 to 436.580, the director
39 may, after a contested hearing under chapter 536:

40 (1) Deny, suspend, revoke, condition, or decline to
41 renew a license for a violation of sections 436.571 to
42 436.580, rules issued under sections 436.571 to 436.580, or
43 order or directive entered under sections 436.571 to 436.580;

44 (2) Deny, suspend, revoke, condition, or decline to
45 renew a license if an applicant or licensee fails at any
46 time to meet the requirements of sections 436.571 to
47 436.580, or withholds information or makes a material
48 misstatement in an application for a license or renewal of a
49 license;

50 (3) Order restitution against persons subject to
51 sections 436.571 to 436.580 for violations of sections
52 436.571 to 436.580; and

53 (4) Order or direct such other affirmative action as
54 the director deems necessary.

55 8. Any letter issued by the director and declaring
56 grounds for denying or declining to grant or renew a license
57 may be appealed to the circuit court of Cole County. All
58 other matters presenting a contested case involving a
59 licensee may be heard by the director under chapter 536.

60 9. Whenever it shall appear to the director that any
61 litigation financier is refusing or neglecting to make a good
62 faith effort to comply with the provisions of sections
63 436.571 to 436.580, or any laws or rules relating to
64 litigation financing, the director may issue an order to

65 cease and desist, which order may be enforceable by a civil
66 penalty of not more than one thousand dollars per day for
67 each day that the neglect, failure, or refusal shall
68 continue. The penalty shall be assessed and collected by
69 the director. In determining the amount of the penalty, the
70 director shall take into account the appropriateness of the
71 penalty with respect to the gravity of the violation, the
72 history of previous violations, and such other matters as
73 justice may require.

74 10. In the event any litigation financier fails,
75 refuses, or neglects to comply with the provisions of
76 sections 436.571 to 436.580, or of any laws or rules of the
77 state of Missouri relating to litigation financing, its
78 license may be suspended or revoked by order of the director
79 after a hearing before said director on any order to show
80 cause why such order of suspension or revocation should not
81 be entered specifying the grounds therefor which shall be
82 served on the particular litigation financier at least ten
83 days prior to the hearing. Any order made and entered by
84 the director may be appealed to the circuit court of Cole
85 County.

86 11. The division shall conduct an examination of each
87 litigation financier at least once every twenty-four months
88 and such other times as the director may determine.

89 (1) In connection with any such investigation or
90 examination, the director and his or her representatives
91 shall have free and immediate access to the place or places
92 of business and the books and records, and shall have the
93 authority to place under oath all persons whose testimony
94 may be required relative to the affairs and business of the
95 litigation financier.

96 (2) The director may also make such special
97 investigations or examination as the director deems
98 necessary to determine whether any litigation financier has
99 violated any of the provisions of sections 436.571 to
100 436.580 or rules promulgated thereunder; and may assess the
101 reasonable costs of any investigation or examination
102 incurred by the division to the company.

436.573. 1. A litigation financier shall not:

- 2 (1) Pay or offer commissions, referral fees, or other
3 forms of consideration to any legal representative, medical
4 provider, or any of their employees for referring a consumer
5 to a litigation financier;
- 6 (2) Accept any commissions, referral fees, rebates, or
7 other forms of consideration from a legal representative,
8 medical provider, or any of their employees;
- 9 (3) Knowingly advertise false or misleading
10 information regarding its products or services;
- 11 (4) Refer a consumer or potential consumer to a
12 specific legal representative, medical provider, or any of
13 their employees;
- 14 (5) Fail to promptly supply copies of any complete
15 litigation financing contracts to the consumer and the
16 consumer's legal representative;
- 17 (6) Attempt to secure a remedy or obtain a waiver of
18 any remedy including, but not limited to, compensatory,
19 statutory, or punitive damages, that the consumer might
20 otherwise be or not be entitled to pursue;
- 21 (7) Attempt to effect arbitration or otherwise effect
22 the waiver of a consumer's right to trial by jury;
- 23 (8) Offer or provide legal advice to the consumer
24 regarding the litigation financing or the underlying dispute;

25 (9) Assign, which includes securitizing, a litigation
26 financing contract in whole or part;

27 (10) Report a consumer to a credit reporting agency if
28 insufficient funds remain from the net proceeds to repay the
29 litigation financier; or

30 (11) Receive or exercise any right to direct, nor make
31 any decisions with respect to, the conduct of the consumer's
32 legal claim or any settlement or resolution thereof. The
33 right to make such decisions shall remain solely with the
34 consumer and his or her legal representative.

35 2. A legal representative retained by a consumer, a
36 medical provider for such consumer, or any employee thereof
37 shall not have a financial interest in litigation financing
38 and shall not receive a referral fee or other consideration
39 from any litigation financier, its employees, its owners, or
40 its affiliates.

436.574. 1. The terms of the litigation financing
2 agreement shall be set forth in a written contract that is
3 completely filled in. There shall be no incomplete sections
4 when the contract is offered or presented to the consumer.

5 2. Litigation financing contracts shall contain the
6 disclosures specified in this section, which shall
7 constitute material terms of the litigation financing
8 contract.

9 3. The disclosures shall be typed in at least fourteen-
10 point bold font and be placed clearly and conspicuously
11 immediately above the consumer's signature line in the
12 litigation financing contract and shall be in substantially
13 the following form:

14 Consumer's Right to Cancellation: You may cancel
15 this contract without penalty or further
16 obligation within five (5) business days from the

17 date you signed this contract or received
18 financing from [insert name of the litigation
19 financier] by either returning the funds to [insert
20 name, office address and office hours of the
21 litigation financier] or by U.S. mail, [insert name
22 and mailing address of litigation financier]. For
23 return by U.S. mail, the postmark date on the
24 returned funds or, if mailed by registered or
25 certified mail, the date of the return receipt
26 requested shall be the date of return.

27 The fees charged pursuant to this agreement shall
28 not exceed [litigation financier to insert annual
29 interest percentage rate, percentage of award or
30 settlement proceeds, or dollar amount].

31 The litigation financier agrees that it has no
32 right to and will not make any decisions about the
33 conduct of your lawsuit or dispute and that the
34 right to make those decisions remains solely with
35 you and your legal representative.

36 If there is no recovery of any money from your
37 legal claim or if there is not enough money to
38 satisfy the portion assigned to [insert name of
39 the litigation financier] in full, you will not owe
40 anything in excess of your recovery.

41 Do not sign this contract before you read it
42 completely. If this contract contains any
43 incomplete sections, you are entitled to a
44 completely filled-in copy of the contract prior to
45 signing it. Before you sign this contract, you
46 should obtain the advice of an attorney.
47 Depending on the circumstances you may want to
48 consult a tax advisor, a financial professional,
49 or an accountant.

50 4. If the consumer is represented by a legal
51 representative in the dispute that is the subject of the
52 litigation financing contract, the legal representative
53 shall acknowledge in the contract that the legal
54 representative or its employer or employees have neither

55 received nor paid a referral fee or any other consideration
56 from or to the litigation financier, nor will in the future
57 do so.

58 5. If the consumer's legal representative is a party
59 to a litigation financing agreement related to the
60 consumer's legal proceeding, the legal representative shall
61 share with the consumer the agreement between the legal
62 representative and the litigation financier. The agreement
63 shall be accompanied by the disclosure required by this
64 section, and the consumer shall sign both an acknowledgment
65 that the agreement has been read and the required disclosure.

436.575. 1. Except as otherwise stipulated or ordered
2 by the court, a consumer or the consumer's legal
3 representative shall, without awaiting a discovery request,
4 provide to all parties to the litigation, including the
5 consumer's insurer if prior to litigation, any litigation
6 financing contract.

7 2. The existence of litigation financing and all
8 participants in such financing arrangements are permissible
9 subjects of discovery in all personal injury litigation or
10 matters arising out of personal injuries.

436.577. Sections 436.571 to 436.580 shall apply to
2 any class action. Putative class members and the court
3 shall be advised that the proposed class attorney has a
4 legal or financial relationship with a litigation financier.

436.578. Sections 436.571 to 436.580 shall not apply
2 to litigation financing provided to commercial enterprises
3 in support of litigation strictly between commercial
4 enterprises. This exemption does not apply to any personal
5 injury claim, situations arising from a personal injury
6 claim, or an aggregation of personal injury claims, whether
7 by subrogation, assignment, or any other basis.

436.579. The practice of litigation financing shall be regulated by the division of finance. The commissioner of the division of finance may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

436.580. Any violation of the provisions of sections 436.571 to 436.580 shall make the litigation financing contract unenforceable by the litigation financier, the consumer, or any successor-in-interest to the litigation financing contract.

569.010. As used in this chapter the following terms mean:

(1) "Cave or cavern", any naturally occurring subterranean cavity enterable by a person including, without limitation, a pit, pothole, natural well, grotto, and tunnel, whether or not the opening has a natural entrance;

(2) "Enter unlawfully or remain unlawfully", a person enters or remains in or upon premises when he or she is not licensed or privileged to do so. A person who, regardless of his or her purpose, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he or she defies a lawful order

13 not to enter or remain, personally communicated to him or
14 her by the owner of such premises or by other authorized
15 person. A license or privilege to enter or remain in a
16 building which is only partly open to the public is not a
17 license or privilege to enter or remain in that part of the
18 building which is not open to the public;

19 (3) "Nuclear power plant", a power generating facility
20 that produces electricity by means of a nuclear reactor
21 owned by a utility or a consortium utility. Nuclear power
22 plant shall be limited to property within the structure or
23 fenced yard, as defined in section 563.011;

24 (4) **"Teller machine", an automated teller machine**
25 **(ATM) or interactive teller machine (ITM) that is a remote**
26 **computer terminal or other device owned or controlled by a**
27 **financial institution or a private business that allows**
28 **individuals to obtain financial services, including**
29 **obtaining cash, transferring or transmitting moneys or**
30 **digital currencies, payment of bills, or loading moneys or**
31 **digital currency to a payment card, without physical in-**
32 **person assistance from another person. "Teller machine"**
33 **does not include personally owned electronic devices used to**
34 **access financial services;**

35 (5) "To tamper", to interfere with something
36 improperly, to meddle with it, displace it, make unwarranted
37 alterations in its existing condition, or to deprive,
38 temporarily, the owner or possessor of that thing;

39 [(5)] (6) "Utility", an enterprise which provides gas,
40 electric, steam, water, sewage disposal, or communication,
41 video, internet, or voice over internet protocol services,
42 and any common carrier. It may be either publicly or
43 privately owned or operated.

569.100. 1. A person commits the offense of property
2 damage in the first degree if such person:

3 (1) Knowingly damages property of another to an extent
4 exceeding seven hundred fifty dollars; or

5 (2) Damages property to an extent exceeding seven
6 hundred fifty dollars for the purpose of defrauding an
7 insurer; [or]

8 (3) Knowingly damages a motor vehicle of another and
9 the damage occurs while such person is making entry into the
10 motor vehicle for the purpose of committing the crime of
11 stealing therein or the damage occurs while such person is
12 committing the crime of stealing within the motor vehicle; or

13 **(4) Knowingly damages, modifies, or destroys a teller**
14 **machine or otherwise makes it inoperable.**

15 2. The offense of property damage in the first degree
16 committed under subdivision (1) or (2) of subsection 1 of
17 this section is a class E felony, unless the offense of
18 property damage in the first degree was committed under
19 subdivision (1) of subsection 1 of this section and the
20 victim was intentionally targeted as a law enforcement
21 officer, as defined in section 556.061, or the victim is
22 targeted because he or she is a relative within the second
23 degree of consanguinity or affinity to a law enforcement
24 officer, in which case it is a class D felony. The offense
25 of property damage in the first degree committed under
26 subdivision (3) of subsection 1 of this section is a class D
27 felony unless committed as a second or subsequent violation
28 of subdivision (3) of subsection 1 of this section in which
29 case it is a class B felony. **The offense of property damage**
30 **in the first degree committed under subdivision (4) of**
31 **subsection 1 of this section is a class D felony unless**
32 **committed for the purpose of executing any scheme or**

33 artifice to defraud or obtain any property, the value of
34 which exceeds seven hundred fifty dollars or the damage to
35 the teller machine exceeds seven hundred fifty dollars in
36 which case it is a class C felony; except that, if the
37 offense of property damage in the first degree committed
38 under subdivision (4) of subsection 1 of this section is
39 committed to obtain the personal financial credentials of
40 another person or committed as a second or subsequent
41 violation of subdivision (4) of subsection 1 of this
42 section, the offense of property damage in the first degree
43 is a class B felony.

570.010. As used in this chapter, the following terms
2 mean:

- 3 (1) "Adulterated", varying from the standard of
4 composition or quality prescribed by statute or lawfully
5 promulgated administrative regulations of this state
6 lawfully filed, or if none, as set by commercial usage;
- 7 (2) "Appropriate", to take, obtain, use, transfer,
8 conceal, retain or dispose;
- 9 (3) "Check", a check or other similar sight order or
10 any other form of presentment involving the transmission of
11 account information for the payment of money;
- 12 (4) "Coercion", a threat, however communicated:
- 13 (a) To commit any offense; or
14 (b) To inflict physical injury in the future on the
15 person threatened or another; or
16 (c) To accuse any person of any offense; or
17 (d) To expose any person to hatred, contempt or
18 ridicule; or
19 (e) To harm the credit or business reputation of any
20 person; or

21 (f) To take or withhold action as a public servant, or
22 to cause a public servant to take or withhold action; or

23 (g) To inflict any other harm which would not benefit
24 the actor. A threat of accusation, lawsuit or other
25 invocation of official action is justified and not coercion
26 if the property sought to be obtained by virtue of such
27 threat was honestly claimed as restitution or
28 indemnification for harm done in the circumstances to which
29 the accusation, exposure, lawsuit or other official action
30 relates, or as compensation for property or lawful service.
31 The defendant shall have the burden of injecting the issue
32 of justification as to any threat;

33 (5) "Credit device", a writing, card, code, number or
34 other device purporting to evidence an undertaking to pay
35 for property or services delivered or rendered to or upon
36 the order of a designated person or bearer;

37 (6) "Dealer", a person in the business of buying and
38 selling goods;

39 (7) "Debit device", a writing, card, code, number or
40 other device, other than a check, draft or similar paper
41 instrument, by the use of which a person may initiate an
42 electronic fund transfer, including but not limited to
43 devices that enable electronic transfers of benefits to
44 public assistance recipients;

45 (8) "Deceit or deceive", making a representation which
46 is false and which the actor does not believe to be true and
47 upon which the victim relies, as to a matter of fact, law,
48 value, intention or other state of mind, or concealing a
49 material fact as to the terms of a contract or agreement.
50 The term "deceit" does not, however, include falsity as to
51 matters having no pecuniary significance, or puffing by
52 statements unlikely to deceive ordinary persons in the group

53 addressed. Deception as to the actor's intention to perform
54 a promise shall not be inferred from the fact alone that he
55 did not subsequently perform the promise;

56 (9) "Deprive":

57 (a) To withhold property from the owner permanently; or

58 (b) To restore property only upon payment of reward or
59 other compensation; or

60 (c) To use or dispose of property in a manner that
61 makes recovery of the property by the owner unlikely;

62 (10) "Electronic benefits card" or "EBT card", a debit
63 card used to access food stamps or cash benefits issued by
64 the department of social services;

65 (11) "Financial institution", a bank, trust company,
66 savings and loan association, or credit union;

67 (12) "Food stamps", the nutrition assistance program
68 in Missouri that provides food and aid to low-income
69 individuals who are in need of benefits to purchase food
70 operated by the United States Department of Agriculture
71 (USDA) in conjunction with the department of social services;

72 (13) "Forcibly steals", a person, in the course of
73 stealing, uses or threatens the immediate use of physical
74 force upon another person for the purpose of:

75 (a) Preventing or overcoming resistance to the taking
76 of the property or to the retention thereof immediately
77 after the taking; or

78 (b) Compelling the owner of such property or another
79 person to deliver up the property or to engage in other
80 conduct which aids in the commission of the theft;

81 (14) "Internet service", an interactive computer
82 service or system or an information service, system, or
83 access software provider that provides or enables computer
84 access by multiple users to a computer server, and includes,

85 but is not limited to, an information service, system, or
86 access software provider that provides access to a network
87 system commonly known as the internet, or any comparable
88 system or service and also includes, but is not limited to,
89 a world wide web page, newsgroup, message board, mailing
90 list, or chat area on any interactive computer service or
91 system or other online service;

92 (15) "Means of identification", anything used by a
93 person as a means to uniquely distinguish himself or herself;

94 (16) "Merchant", a person who deals in goods of the
95 kind or otherwise by his or her occupation holds oneself out
96 as having knowledge or skill peculiar to the practices or
97 goods involved in the transaction or to whom such knowledge
98 or skill may be attributed by his or her employment of an
99 agent or broker or other intermediary who by his or her
100 occupation holds oneself out as having such knowledge or
101 skill;

102 (17) "Mislabeled", varying from the standard of truth
103 or disclosure in labeling prescribed by statute or lawfully
104 promulgated administrative regulations of this state
105 lawfully filed, or if none, as set by commercial usage; or
106 represented as being another person's product, though
107 otherwise accurately labeled as to quality and quantity;

108 (18) "Pharmacy", any building, warehouse, physician's
109 office, hospital, pharmaceutical house or other structure
110 used in whole or in part for the sale, storage, or
111 dispensing of any controlled substance as defined in chapter
112 195;

113 (19) "Property", anything of value, whether real or
114 personal, tangible or intangible, in possession or in
115 action, and shall include but not be limited to the evidence

116 of a debt actually executed but not delivered or issued as a
117 valid instrument;

118 (20) "Public assistance benefits", anything of value,
119 including money, food, EBT cards, food stamps, commodities,
120 clothing, utilities, utilities payments, shelter, drugs and
121 medicine, materials, goods, and any service including
122 institutional care, medical care, dental care, child care,
123 psychiatric and psychological service, rehabilitation
124 instruction, training, transitional assistance, or
125 counseling, received by or paid on behalf of any person
126 under chapters 198, 205, 207, 208, 209, and 660, or
127 benefits, programs, and services provided or administered by
128 the Missouri department of social services or any of its
129 divisions;

130 (21) "Services" includes transportation, telephone,
131 electricity, gas, water, or other public service, cable
132 television service, video service, voice over internet
133 protocol service, or internet service, accommodation in
134 hotels, restaurants or elsewhere, admission to exhibitions
135 and use of vehicles;

136 (22) "Stealing-related offense", federal and state
137 violations of criminal statutes against stealing, robbery,
138 or buying or receiving stolen property and shall also
139 include municipal ordinances against the same if the
140 offender was either represented by counsel or knowingly
141 waived counsel in writing and the judge accepting the plea
142 or making the findings was a licensed attorney at the time
143 of the court proceedings;

144 (23) **"Teller machine", an automated teller machine**
145 **(ATM) or interactive teller machine (ITM) that is a remote**
146 **computer terminal or other device owned or controlled by a**
147 **financial institution or a private business that allows**

148 individuals to obtain financial services, including
149 obtaining cash, transferring or transmitting moneys or
150 digital currencies, payment of bills, or loading moneys or
151 digital currency to a payment card, without physical in-
152 person assistance from another person. "Teller machine"
153 does not include personally owned electronic devices used to
154 access financial services;

155 (24) "Video service", the provision of video
156 programming provided through wireline facilities located at
157 least in part in the public right-of-way without regard to
158 delivery technology, including internet protocol technology
159 whether provided as part of a tier, on demand, or a per-
160 channel basis. This definition includes cable service as
161 defined by 47 U.S.C. Section 522(6), but does not include
162 any video programming provided by a commercial mobile
163 service provider as "commercial mobile service" is defined
164 in 47 U.S.C. Section 332(d), or any video programming
165 provided solely as part of and via a service that enables
166 users to access content, information, electronic mail, or
167 other services offered over the public internet, and
168 includes microwave television transmission, from a
169 multipoint distribution service not capable of reception by
170 conventional television receivers without the use of special
171 equipment;

172 [(24)] (25) "Voice over internet protocol service", a
173 service that:

174 (a) Enables real-time, two-way voice communication;

175 (b) Requires a broadband connection from the user's
176 location;

177 (c) Requires internet protocol-compatible customer
178 premises equipment; and

179 (d) Permits users generally to receive calls that
180 originate on the public switched telephone network and to
181 terminate calls to the public switched telephone network;

182 [(25)] (26) "Writing" includes printing, any other
183 method of recording information, money, coins, negotiable
184 instruments, tokens, stamps, seals, credit cards, badges,
185 trademarks and any other symbols of value, right, privilege
186 or identification.

570.030. 1. A person commits the offense of stealing
2 if he or she:

3 (1) Appropriates property or services of another with
4 the purpose to deprive him or her thereof, either without
5 his or her consent or by means of deceit or coercion;

6 (2) Attempts to appropriate anhydrous ammonia or
7 liquid nitrogen of another with the purpose to deprive him
8 or her thereof, either without his or her consent or by
9 means of deceit or coercion; or

10 (3) For the purpose of depriving the owner of a lawful
11 interest therein, receives, retains or disposes of property
12 of another knowing that it has been stolen, or believing
13 that it has been stolen.

14 2. The offense of stealing is a class A felony if the
15 property appropriated consists of any of the following
16 containing any amount of anhydrous ammonia: a tank truck,
17 tank trailer, rail tank car, bulk storage tank, field nurse,
18 field tank or field applicator.

19 3. The offense of stealing is a class B felony if:

20 (1) The property appropriated or attempted to be
21 appropriated consists of any amount of anhydrous ammonia or
22 liquid nitrogen;

23 (2) The property consists of any animal considered
24 livestock as the term livestock is defined in section

25 144.010, or any captive wildlife held under permit issued by
26 the conservation commission, and the value of the animal or
27 animals appropriated exceeds three thousand dollars and that
28 person has previously been found guilty of appropriating any
29 animal considered livestock or captive wildlife held under
30 permit issued by the conservation commission.

31 Notwithstanding any provision of law to the contrary, such
32 person shall serve a minimum prison term of not less than
33 eighty percent of his or her sentence before he or she is
34 eligible for probation, parole, conditional release, or
35 other early release by the department of corrections;

36 (3) A person appropriates property consisting of a
37 motor vehicle, watercraft, or aircraft, and that person has
38 previously been found guilty of two stealing-related
39 offenses committed on two separate occasions where such
40 offenses occurred within ten years of the date of occurrence
41 of the present offense;

42 (4) The property appropriated or attempted to be
43 appropriated consists of any animal considered livestock as
44 the term is defined in section 144.010 if the value of the
45 livestock exceeds ten thousand dollars; or

46 (5) The property appropriated or attempted to be
47 appropriated is owned by or in the custody of a financial
48 institution and the property is taken or attempted to be
49 taken physically from an individual person to deprive the
50 owner or custodian of the property.

51 4. The offense of stealing is a class C felony if the
52 value of the property or services appropriated is twenty-
53 five thousand dollars or more **or the property is a teller**
54 **machine or the contents of a teller machine, including cash,**
55 **regardless of the value or amount.**

56 5. The offense of stealing is a class D felony if:

- 57 (1) The value of the property or services appropriated
58 is seven hundred fifty dollars or more;
- 59 (2) The offender physically takes the property
60 appropriated from the person of the victim; or
- 61 (3) The property appropriated consists of:
- 62 (a) Any motor vehicle, watercraft or aircraft;
- 63 (b) Any will or unrecorded deed affecting real
64 property;
- 65 (c) Any credit device, debit device or letter of
66 credit;
- 67 (d) Any firearms;
- 68 (e) Any explosive weapon as defined in section 571.010;
- 69 (f) Any United States national flag designed, intended
70 and used for display on buildings or stationary flagstaffs
71 in the open;
- 72 (g) Any original copy of an act, bill or resolution,
73 introduced or acted upon by the legislature of the state of
74 Missouri;
- 75 (h) Any pleading, notice, judgment or any other record
76 or entry of any court of this state, any other state or of
77 the United States;
- 78 (i) Any book of registration or list of voters
79 required by chapter 115;
- 80 (j) Any animal considered livestock as that term is
81 defined in section 144.010;
- 82 (k) Any live fish raised for commercial sale with a
83 value of seventy-five dollars or more;
- 84 (l) Any captive wildlife held under permit issued by
85 the conservation commission;
- 86 (m) Any controlled substance as defined by section
87 195.010;
- 88 (n) Ammonium nitrate;

89 (o) Any wire, electrical transformer, or metallic wire
90 associated with transmitting telecommunications, video,
91 internet, or voice over internet protocol service, or any
92 other device or pipe that is associated with conducting
93 electricity or transporting natural gas or other combustible
94 fuels; or

95 (p) Any material appropriated with the intent to use
96 such material to manufacture, compound, produce, prepare,
97 test or analyze amphetamine or methamphetamine or any of
98 their analogues.

99 6. The offense of stealing is a class E felony if:

100 (1) The property appropriated is an animal;

101 (2) The property is a catalytic converter; or

102 (3) A person has previously been found guilty of three
103 stealing-related offenses committed on three separate
104 occasions where such offenses occurred within ten years of
105 the date of occurrence of the present offense.

106 7. The offense of stealing is a class D misdemeanor if
107 the property is not of a type listed in subsection 2, 3, 5,
108 or 6 of this section, the property appropriated has a value
109 of less than one hundred fifty dollars, and the person has
110 no previous findings of guilt for a stealing-related offense.

111 8. The offense of stealing is a class A misdemeanor if
112 no other penalty is specified in this section.

113 9. If a violation of this section is subject to
114 enhanced punishment based on prior findings of guilt, such
115 findings of guilt shall be pleaded and proven in the same
116 manner as required by section 558.021.

117 10. The appropriation of any property or services of a
118 type listed in subsection 2, 3, 5, or 6 of this section or
119 of a value of seven hundred fifty dollars or more may be

120 considered a separate felony and may be charged in separate
121 counts.

122 11. The value of property or services appropriated
123 pursuant to one scheme or course of conduct, whether from
124 the same or several owners and whether at the same or
125 different times, constitutes a single criminal episode and
126 may be aggregated in determining the grade of the offense,
127 except as set forth in subsection 10 of this section.

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