

FIRST REGULAR SESSION

SENATE BILL NO. 195

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

0810S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 301.558, RSMo, and to enact in lieu thereof one new section relating to administrative fees imposed by dealers licensed by the department of revenue, with an existing penalty provision.

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

Section A. Section 301.558, RSMo, is repealed and one new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

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

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

16 3. No motor vehicle dealer, boat dealer, or powersport
17 dealer that sells or leases new or used motor vehicles,

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

18 vessels, or vessel trailers and imposes an administrative
19 fee of [less than two] **five** hundred dollars **or less** in
20 connection with the sale or lease of a new or used vehicle,
21 vessel, or vessel trailer for the storage of documents or
22 any other administrative or clerical services shall be
23 deemed to be engaging in the unauthorized practice of law.
24 **The maximum administrative fee permitted under this**
25 **subsection shall be increased annually by an amount equal to**
26 **the percentage change in the annual average of the Consumer**
27 **Price Index for All Urban Consumers or its successor index,**
28 **as reported by the federal Bureau of Labor Statistics or its**
29 **successor agency, or by zero, whichever is greater.** The
30 **director of the department of revenue shall annually furnish**
31 **the maximum administrative fee determined under this section**
32 **to the secretary of state, who shall publish such value in**
33 **the Missouri register as soon as practicable after January**
34 **fourteenth of each year.**

35 4. If an administrative fee is charged under this
36 section, the **same** administrative fee shall be charged to all
37 retail customers [and] **unless the fee is limited by the**
38 **dealer's franchise agreement to certain classes of**
39 **customers.** **The fee shall be** disclosed on the retail buyer's
40 order form as a separate itemized charge.

41 5. A preliminary worksheet on which a sale price is
42 computed and that is shown to the purchaser, a retail
43 buyer's order form from the purchaser, or a retail
44 installment contract shall include, in reasonable proximity
45 to the place on the document where the administrative fee
46 authorized by this section is disclosed, the amount of the
47 administrative fee and the following notice in type that is
48 boldfaced, capitalized, underlined, or otherwise
49 conspicuously set out from the surrounding written material:

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

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

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