SENATE AMENDMENT NO.

Offered by	Koeny	Of	15	

55
Amend SCS/Senate Bill No. 4, Page 1, Section title, Line 3,

- 2 by striking "motor vehicle financial responsibility" and
- 3 inserting in lieu thereof the following: "transportation";
- 4 and
- 5 Further amend said bill and page, Section A, Line 4, by
- 6 inserting after all of said line the following:
- 7 "301.558. 1. A motor vehicle dealer, boat dealer, or
- 8 powersport dealer may fill in the blanks on standardized
- 9 forms in connection with the sale or lease of a new or used
- 10 motor vehicle, vessel, or vessel trailer if the motor
- 11 vehicle dealer, boat dealer, or powersport dealer does not
- 12 charge for the services of filling in the blanks or
- 13 otherwise charge for preparing documents.
- 14 2. A motor vehicle dealer, boat dealer, or powersport
- 15 dealer may charge an administrative fee in connection with
- 16 the sale or lease of a new or used motor vehicle, vessel, or
- 17 vessel trailer for the storage of documents or any other
- 18 administrative or clerical services not prohibited by this
- 19 section. A portion of the administrative fee may result in
- 20 profit to the motor vehicle dealer, boat dealer, or
- 21 powersport dealer.
- 3. No motor vehicle dealer, boat dealer, or powersport
- 23 dealer that sells or leases new or used motor vehicles,
- 24 vessels, or vessel trailers and imposes an administrative
- 25 fee of [less than two] five hundred dollars or less in
- 26 connection with the sale or lease of a new or used vehicle,

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- 27 vessel, or vessel trailer for the storage of documents or
- 28 any other administrative or clerical services shall be
- 29 deemed to be engaging in the unauthorized practice of law.
- 30 The maximum administrative fee permitted under this
- 31 subsection shall be increased annually by an amount equal to
- 32 the percentage change in the annual average of the Consumer
- 33 Price Index for All Urban Consumers or its successor index,
- 34 as reported by the federal Bureau of Labor Statistics or its
- 35 successor agency, or by zero, whichever is greater. The
- 36 director of the department of revenue shall annually furnish
- 37 the maximum administrative fee determined under this section
- 38 to the secretary of state, who shall publish such value in
- 39 the Missouri register as soon as practicable after January
- 40 fourteenth of each year.
- 4. If an administrative fee is charged under this
- 42 section, the same administrative fee shall be charged to all
- 43 retail customers [and] unless the fee is limited by the
- 44 dealer's franchise agreement to certain classes of
- 45 customers. The fee shall be disclosed on the retail buyer's
- 46 order form as a separate itemized charge.
- 47 5. A preliminary worksheet on which a sale price is
- 48 computed and that is shown to the purchaser, a retail
- 49 buyer's order form from the purchaser, or a retail
- 50 installment contract shall include, in reasonable proximity
- 51 to the place on the document where the administrative fee
- 52 authorized by this section is disclosed, the amount of the
- 53 administrative fee and the following notice in type that is
- 54 boldfaced, capitalized, underlined, or otherwise
- 55 conspicuously set out from the surrounding written material:
- "AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE
- 57 AND IS NOT REQUIRED BY LAW BUT MAY BE CHARGED BY
- 58 A DEALER. THIS ADMINISTRATIVE FEE MAY RESULT IN
- 59 A PROFIT TO DEALER. NO PORTION OF THIS

- ADMINISTRATIVE FEE IS FOR THE DRAFTING,
- PREPARATION, OR COMPLETION OF DOCUMENTS OR THE
- PROVIDING OF LEGAL ADVICE. THIS NOTICE IS
- REQUIRED BY LAW.".
- 6. The general assembly believes that an
- 65 administrative fee charged in compliance with this section
- 66 is not the unauthorized practice of law or the unauthorized
- 67 business of law so long as the activity or service for which
- 68 the fee is charged is in compliance with the provisions of
- 69 this section and does not result in the waiver of any rights
- 70 or remedies. Recognizing, however, that the judiciary is
- 71 the sole arbitrator of what constitutes the practice of law,
- 72 in the event that a court determines that an administrative
- 73 fee charged in compliance with this section, and that does
- 74 not waive any rights or remedies of the buyer, is the
- 75 unauthorized practice of law or the unauthorized business of
- 76 law, then no person who paid that administrative fee may
- 77 recover said fee or treble damages, as permitted under
- 78 section 484.020, and no person who charged that fee shall be
- 79 guilty of a misdemeanor, as provided under section
- **80** 484.020."; and
- Further amend the title and enacting clause accordingly.