

SECOND REGULAR SESSION

# HOUSE BILL NO. 1511

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES FARES, GREEN (73), OSTMANN, VILLA, SCHEVE, MURPHY,  
WILLIAMS, PORTWOOD, BEARDEN, DOLAN, HILGEMANN, MOORE (Co-sponsors),  
HOLAND AND BEHNEN.

Read 1<sup>st</sup> time January 17, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3687L.011

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### AN ACT

To amend chapter 137, RSMo, by adding thereto five new sections relating to the taxation of property, with an effective date.

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

Section A. Chapter 137, RSMo, is amended by adding thereto five new sections, to be  
2 known as sections 137.776, 137.777, 137.779, 137.780 and 137.782, to read as follows:

**137.776. As used in sections 137.776 to 137.782, the following terms mean:**

2 **(1) "Assessor", the county assessor as provided for in chapter 53, RSMo;**

3 **(2) "Certificate of value", a form for reporting the following:**

4 **(a) In the case of any deed not a gift, the amount of the full actual consideration**  
5 **therefor, paid or to be paid, including the amount of any lien or liens thereon; and**

6 **(b) A statement of the actual or intended use of such property; and**

7 **(c) A statement as to whether or not the transaction was at arms length; or**

8 **(d) The reason or reasons why any information set out in paragraphs (a) and (b)**  
9 **of this subdivision is not required, as set forth in section 137.780;**

10 **(3) "Recorder", the recorder of deeds as provided for in chapter 59, RSMo;**

11 **(4) "Residential, commercial or industrial real property", property which in the**  
12 **most recent assessment prior to the property's transfer was assessed as residential property**  
13 **or as utility, industrial, commercial, railroad and other real property as defined in section**  
14 **137.016.**

**137.777. 1. No recorder shall accept for recording any deed or instrument by which**  
2 **any interest in residential, commercial, or industrial real property within the state of**  
3 **Missouri shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, any**

4 person or persons unless the deed or instrument indicates, in a manner to be determined  
5 by the state tax commission, that a completed certificate of value has been delivered to the  
6 assessor. The assessor shall file any certificate of value received by such assessor.

7 2. The following persons are responsible for the delivery of a certificate of value:

8 (1) The grantee of the deed or instrument, or any responsible officer or agent of a  
9 grantee which is a corporation, partnership or other entity; or

10 (2) The attorney, real estate agent or broker, or title company representing the  
11 grantee in any such transaction, or delivering the deed or other instrument to the recorder,  
12 and including each responsible officer and agent of the foregoing.

13 137.779. 1. Each certificate of value delivered pursuant to sections 137.776 to  
14 137.782 shall be affirmed by one of the grantees, or the grantee's legal representative, as  
15 to the veracity of the declaration of value of the residential, commercial, or industrial real  
16 property transferred.

17 2. The form of the certificate of value shall include the affirmation required by  
subsection 1 of this section and shall be prescribed by the state tax commission, which shall  
provide an adequate supply of such forms without charge to each recorder in  
the state.

3. All certificates of value shall be made available by the assessor to the state tax  
commission or its representatives.

137.780. The financial data required on the certificate of value pursuant to sections  
137.776 to 137.782 need not be provided on a certificate of value for a transfer of title or  
other interest in residential, commercial, or industrial real property:

(1) When the consideration for the interest or property conveyed is less than one  
hundred dollars;

(2) Made solely to provide or release security for a debt or obligation;

(3) Which confirms or corrects a deed previously recorded;

(4) Between husband and wife or parent and child with only nominal actual  
consideration therefor;

(5) Made in settlement of a dissolution of marriage;

(6) Made pursuant to a sale for delinquent taxes;

(7) Made in the closing or liquidation of an estate or guardianship estate;

(8) On partition;

(9) Made by a subsidiary corporation to its parent corporation for no  
consideration, nominal consideration, or in sole consideration of the cancellation or  
surrender of the subsidiary's stock;

(10) Made in the foreclosure of a deed of trust or other security interest;

18           (11) If the instrument was executed prior to the effective date of sections 137.776  
19 to 137.782;

20           (12) When the instrument is a mining or mineral lease;

21           (13) When the transfer of title is to or from the United States, the state of Missouri,  
22 or any other instrumentality, agency, or political subdivision thereof;

23           (14) Of cemetery lots;

24           (15) When ordered by any court;

25           (16) When such property is located in a political subdivision which has established  
26 by ordinance or amendment its own system of requiring certificates of value; except that,  
27 in such political subdivisions the provision of section 137.779 relating to making certificates  
28 of value available to the state tax commission shall apply.

          137.782. 1. Except as provided in sections 137.776 to 137.780, no current or former  
2 assessor or state tax commissioner or any current or former deputy, employee or agent of  
3 such officer shall disclose any information received as a result of the filing of a certificate  
4 of value required by sections 137.776 to 137.780. Any information received as a result of  
5 the filing of a certificate of value as required by sections 137.776 to 137.780 shall be closed  
6 records and shall be exempt from disclosure, examination, and copying pursuant to  
7 chapter 610, RSMo.

8           2. Nothing in sections 137.776 to 137.782 shall be construed to prohibit:

9           (1) The use of information contained in a certificate of value by the assessor for  
10 statistical purposes in implementing a plan of general reassessment, as defined in section  
11 137.073, or implementing an assessment and equalization maintenance plan approved  
12 pursuant to section 137.115;

13           (2) The use of information contained in a certificate of value by the state tax  
14 commission in developing ratios as required by chapter 163, RSMo, or other statistical  
15 purposes or public proceedings;

16           (3) The release of information contained in a certificate of value by the assessor  
17 upon receipt of a written request to a party who originally delivered the certificate of value  
18 or such party's duly authorized representative;

19           (4) The publication by the state tax commission of statistics so classified as to  
20 prevent the identification of particular certificates of value;

21           (5) The disclosure of certificates of value, or information related thereto, by the  
22 assessor upon receipt of a written request to the state auditor or the auditor's authorized  
23 employees or agents who have taken the oath of confidentiality required by section 29.070,  
24 RSMo, or the publication or disclosure by the state auditor of information concerning the  
25 certificates of value provided a particular certificate of value is not disclosed.

26           **3. No deed may be filed without a certificate of value, for which there shall be a**  
27 **filing fee of ten dollars, payable at the time of filing.**

Section B. Section A of this act shall become effective January 1, 2003.