

FIRST REGULAR SESSION

HOUSE BILL NO. 630

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WASSON.

1512L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 301, RSMo, by adding thereto one new section relating to motor vehicle administrative fees.

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

Section A. Chapter 301, RSMo, is amended by adding thereto one new section, to be known as section 301.558, to read as follows:

301.558. 1. A motor vehicle dealer may fill in the blanks on standardized forms in connection with the sale or lease of a new or used motor vehicle if the motor vehicle dealer does not charge for the services of filling in the blanks or otherwise charge for preparing documents.

2. A motor vehicle dealer may charge an administrative fee in connection with the sale or lease of a new or used motor vehicle for the storage of documents or any other administrative or clerical services not prohibited by this section. A portion of the administrative fee may result in profit to the motor vehicle dealer.

3. If an administrative fee is charged under this section, the administrative fee shall be charged to all retail customers, unless prohibited by the motor vehicle dealer's franchisor, and disclosed on the retail buyer's order form as a separate itemized charge.

4. A preliminary worksheet on which a sale price is computed and that is shown to the purchaser, a retail buyer's order form from the purchaser, or a retail installment contract shall include, in reasonable proximity to the place on the document where the administrative fee authorized by this section is disclosed, the amount of the administrative fee and the following notice in type that is bold-faced, capitalized, underlined, or otherwise conspicuously set out from the surrounding written material:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **"AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE AND IS**
19 **NOT REQUIRED BY LAW BUT MAY BE CHARGED BY A DEALER.**
20 **THIS ADMINISTRATIVE FEE MAY RESULT IN A PROFIT TO**
21 **DEALER. NO PORTION OF THIS ADMINISTRATIVE FEE IS FOR**
22 **THE DRAFTING, PREPARATION, OR COMPLETION OF DOCUMENTS**
23 **OR THE PROVIDING OF LEGAL ADVICE. THIS NOTICE IS**
24 **REQUIRED BY LAW."**

25 **5. Any actions by a court in this state to award or impose damages upon a motor**
26 **vehicle dealer based on the charging of an administrative fee, or any such damages assessed**
27 **by a jury against a motor vehicle dealer, when such motor vehicle dealer is in compliance**
28 **with this section, are hereby declared to be null and void.**

29 **6. The general assembly believes that an administrative fee charged in compliance**
30 **with this section is not the unauthorized practice of law or the unauthorized business of**
31 **law. Recognizing, however, that the judiciary is the sole arbitrator of what constitutes the**
32 **practice of law, in the event that a court determines that an administrative fee charged in**
33 **compliance with this section is the unauthorized practice of law or the unauthorized**
34 **business of law, then no person who paid that administrative fee may recover said fee or**
35 **treble damages, as permitted under section 484.020, RSMo, and no person who charged**
36 **that fee shall be guilty of a misdemeanor, as provided under section 484.020, RSMo.**

✓