

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1472

101ST GENERAL ASSEMBLY

3533S.03C

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 361.020, 361.098, 361.160, 361.260, 361.262, 361.715, 364.030, 364.105, 365.030, 367.140, 407.640, 408.500, 569.010, 569.100, 570.010, 570.030, and 574.105, RSMo, and to enact in lieu thereof nineteen new sections relating to financial transactions, with penalty provisions.

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

Section A. Sections 361.020, 361.098, 361.160, 361.260,
2 361.262, 361.715, 364.030, 364.105, 365.030, 367.140, 407.640,
3 408.500, 569.010, 569.100, 570.010, 570.030, and 574.105, RSMo,
4 are repealed and nineteen new sections enacted in lieu thereof,
5 to be known as sections 361.020, 361.098, 361.106, 361.160,
6 361.260, 361.262, 361.715, 364.030, 364.105, 365.030, 367.140,
7 407.640, 408.500, 427.300, 569.010, 569.100, 570.010, 570.030,
8 and 574.105, to read as follows:

361.020. 1. The division of finance shall have charge
2 of the execution of:

3 **(1)** The laws relating to banks, trust companies, and
4 the banking business of this state; [credit unions; and of]

5 **(2)** The laws relating to persons[, copartnerships and
6 corporations] **or entities** engaged in the small loan **or**
7 **consumer credit** business in this state;

8 **(3)** The laws relating to persons and entities engaged
9 in the mortgage loan business in this state; and

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

10 **(4) The laws relating to persons and entities engaged**
11 **in any other financial-services-related business over which**
12 **the division of finance is granted express authority.**

13 2. The director of finance may institute, in the name
14 of the state of Missouri, and defend suits in the courts of
15 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] **Three** members of the board
10 shall constitute a quorum for the transaction of any
11 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. As used in this section, the following
2 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
8 evaluation 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 that provides the position of the division of
13 finance on a particular regulatory topic or issue with
14 respect to a specific set of facts and circumstances.

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

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

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

32 (2) A detailed statement of facts regarding every
33 relevant aspect of the proposed business activity,
34 transaction, event, or circumstance;

35 (3) A discussion of current statutes, rules, and legal
36 principles relevant to the factual representation;

37 (4) A statement of the requesting person's or entity's
38 opinion and the basis for such opinion; and

39 (5) A statement that the proposed business activity,
40 transaction, event, or circumstance has not commenced or, if
41 it has commenced, the present status of the proposed
42 business activity, transaction, event, or circumstance.

43 4. With respect to the requesting person or entity, an
44 industry letter is binding on the division. The requesting
45 person or entity shall not be subject to any administrative
46 proceeding or penalty for any acts or omissions done in
47 reliance on an industry letter, so long as no change in any
48 material fact or law has occurred and so long as the
49 requesting person or entity did not misrepresent or omit a
50 material fact.

51 5. An industry letter request and response shall be
52 confidential, but the director may publish an industry
53 letter with nonidentifying facts and information from the
54 request.

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

63 7. Industry letters issued under this section are
64 distinct from letters issued by the director under
65 subsection 5 of section 362.106, and this section shall not
66 apply to section 362.106.

 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 shall issue a
6 notice of charges in respect thereof.

7 2. Whenever [it shall appear to] the director **has**
8 **reason to believe**, from any examination **or investigation**
9 made by [him] **the director** or his **or her** examiners, that any
10 corporation subject to the provisions of this chapter, or
11 any director, officer, employee, agent, or other person
12 participating in the conduct of the affairs of such
13 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[,]:

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 against the corporation or the director,
52 officer, employee, agent, or other person participating in
53 the conduct of the affairs of such corporation.

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

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

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

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

78 (3) Shall require that, **if the director determines**
79 **that the capital of the corporation is impaired,** the
80 corporation make good the deficiency forthwith or within a

81 time specified in the order[. If the director determines
82 that the corporation does not keep adequate records, the
83 order];

84 **(4) May, if the director determines that the**
85 **corporation does not keep adequate records,** determine and
86 prescribe such books of account as the director, in his **or**
87 **her** discretion, shall require of the corporation for the
88 purpose of keeping accurate and convenient records of the
89 transactions and accounts[. If the director shall determine
90 that wrong entries or unlawful uses of the funds of the
91 corporation have been made, he]; **and**

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

98 **[6.] 7.** If a notice of charges served under this
99 section specifies, on the basis of particular facts and
100 circumstances, that a corporation's books and records are so
101 incomplete or inaccurate that the director is unable,
102 through the normal supervisory process, to determine the
103 financial condition of that corporation or the details or
104 purpose of any transaction or transactions that may have a
105 material effect on the financial condition of that
106 corporation, the director may issue a temporary order
107 requiring the cessation of any activity or practice which
108 gave rise, whether in whole or in part, to the incomplete or
109 inaccurate state of the books or records, or affirmative
110 action to restore such books or records to a complete and
111 accurate state, until the completion of the proceedings
112 under this section. Any temporary order issued under this

113 subsection shall become effective upon service and, unless
114 set aside, limited or suspended by a court, shall remain in
115 effect and enforceable until the earlier of the completion
116 of the proceedings initiated under this section or the date
117 on which the director determines by examination or otherwise
118 that the corporation's books and records are accurate and
119 reflect the financial condition of the corporation.

120 [7.] 8. Whenever it shall appear to the director that
121 the violation or threatened violation or the unsafe or
122 unsound practice or practices specified in the notice of
123 charges served upon the corporation or any director,
124 officer, employee, agent, or other person participating in
125 the conduct of the affairs of such corporation pursuant to
126 subsection 4 of this section, or the continuation thereof,
127 is likely to cause insolvency or significant dissipation of
128 assets or earnings of the corporation, or is likely to
129 weaken the condition of the corporation or otherwise
130 prejudice the interests of its depositors prior to the
131 completion of the proceedings conducted pursuant to said
132 subsection, the director may issue a temporary order,
133 effective immediately, requiring the corporation or such
134 director, officer, employee, agent, or other person to cease
135 and desist from any such violation or practice and to take
136 affirmative action to prevent such insolvency, dissipation,
137 condition, or prejudice pending completion of such
138 proceedings. Such order shall remain effective and
139 enforceable pending the completion of the administrative
140 proceedings pursuant to such notice and until such time as
141 the director shall dismiss the charges specified in such
142 notice or if a cease and desist order is issued against the
143 corporation or such director, officer, employee, agent, or
144 other person, until the effective date of such order. The

145 corporation, director, officer, employee, agent, or other
146 person may, within ten days after having been served with a
147 temporary cease and desist order, apply to the circuit court
148 of Cole County for an order setting aside, limiting, or
149 suspending the enforcement, operation, or effectiveness of
150 such order.

151 **[8.] 9.** If any corporation, or any director, officer,
152 employee, agent, or other person participating in the
153 conduct of the affairs of such corporation shall fail or
154 refuse to comply with any duly issued order provided for in
155 this chapter and chapter 362, the corporation or such
156 director, officer, employee, agent, or other person shall
157 pay a civil penalty of not more than one thousand dollars
158 per day for each day the failure or refusal shall continue.
159 The penalty shall be assessed and collected by the director
160 of the division. In determining the amount of the penalty,
161 the director shall take into account the appropriateness of
162 the penalty with respect to the size of the financial
163 resources and good faith of the corporation or person
164 charged, the gravity of the violation, the history of
165 previous violations, and such other matters as justice may
166 require. In addition to the penalty, the director may, in
167 his **or her** discretion, report the delinquency to the
168 attorney general, with a request that **[he] the attorney**
169 **general** proceed as provided in section 361.270, and in the
170 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 violated];

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

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

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

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

21 **(2)** The director determines that:

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

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

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

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

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

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

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

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

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

48 (2) Evidenced either:

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

50 (b) A willful or continuing disregard for [its] **the**
51 **corporation's** safety and soundness; and[, in addition, has]

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

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

69 3. If, in the director's discretion, the results of an
70 examination or investigation indicate:

71 (1) A financial loss or other damage;

72 (2) A director, officer, or other person participating
73 in the affairs of a corporation subject to this chapter,
74 through his or her conduct or practice with respect to such
75 corporation, other corporation, or other business
76 institution, caused the loss or damage as a result of either:

77 (a) Personal dishonesty; or

78 (b) A willful or continuing disregard for safety and
79 sound practices; and

80 (3) The person is unfit to participate in the affairs
81 of the corporation,

82 the director may serve upon such person a written notice of
83 intention to remove him or her from office or to prohibit
84 him or her from any further participation in the affairs of
85 the corporation or any other banking, savings, or trust
86 institution supervised by the 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, 2, or **[2] 3** of this section, suspend him **or**
93 **her** from office or prohibit him **or her** from further
94 participation in any manner in the conduct of the affairs of
95 the corporation. Such suspension or prohibition shall
96 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, 2, or **[2] 3** of this section and until

100 such time as the director shall dismiss the charges
101 specified in such notice or, if an order of removal or
102 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 three
19 hundred **fifty** dollars.

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

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 hundred **fifty** 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 hundred
5 **fifty** dollars payable to the director as of the first day of
6 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 hundred **fifty** 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 hundred **fifty**
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.

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 hundred **fifty** 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.

408.500. 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 hundred **fifty** 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.

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.

427.300. 1. This section shall be known, and may be
2 cited, as the "Commercial Financing Disclosure Law".

3 2. For purposes of this section, the following terms
4 mean:

5 (1) "Accounts receivable purchase transaction", any
6 transaction in which the business forwards or otherwise
7 sells to the provider all or a portion of the business's
8 accounts or payment intangibles at a discount to their
9 expected value;

10 (2) "Broker", any person or entity that, for
11 compensation or the expectation of compensation, obtains a
12 commercial financing product or an offer for a commercial
13 financing product from a third party for a business located
14 in this state;

15 (3) "Business", an individual or group of individuals,
16 sole proprietorship, corporation, limited liability company,
17 trust, estate, cooperative, association, or limited or
18 general partnership engaged in a business activity;

19 (4) "Business purpose transaction", any transaction
20 where the proceeds are provided to a business or are
21 intended to be used to carry on a business and not for
22 personal, family, or household purposes. For purposes of
23 determining whether a transaction is a business purpose
24 transaction, the provider may rely on any written statement
25 of intended purpose signed by the business. The statement

26 may be a separate statement or may be contained in an
27 application, agreement, or other document signed by the
28 business or the business owner or owners;

29 (5) "Commercial financing product", any commercial
30 loan, accounts receivable purchase transaction, commercial
31 open-end credit plan or each to the extent the transaction
32 is a business purpose transaction;

33 (6) "Commercial loan", a loan to a business, whether
34 secured or unsecured;

35 (7) "Commercial open-end credit plan", commercial
36 financing extended by any provider under a plan in which:

37 (a) The provider reasonably contemplates repeat
38 transactions; and

39 (b) The amount of financing that may be extended to
40 the business during the term of the plan, up to any limit
41 set by the provider, is generally made available to the
42 extent that any outstanding balance is repaid;

43 (8) "Depository institution", any of the following:

44 (a) A bank, trust company, or industrial loan company
45 doing business under the authority of, or in accordance
46 with, a license, certificate, or charter issued by the
47 United States, this state, or any other state, district,
48 territory, or commonwealth of the United States that is
49 authorized to transact business in this state;

50 (b) A federally chartered savings and loan
51 association, federal savings bank, or federal credit union
52 that is authorized to transact business in this state; or

53 (c) A savings and loan association, savings bank, or
54 credit union organized under the laws of this or any other
55 state that is authorized to transact business in this state;

56 (9) "Provider", a person or entity that consummates
57 more than five commercial financing products to a business

58 located in this state in any calendar year. "Provider" also
59 includes a person or entity that enters into a written
60 agreement with a depository institution to arrange for the
61 extension of a commercial financing product by the
62 depository institution to a business via an online lending
63 platform administered by the person or entity. The fact
64 that a provider extends a specific offer for a commercial
65 financing product on behalf of a depository institution
66 shall not be construed to mean that the provider engaged in
67 lending or financing or originated that loan or financing.

68 3. (1) A provider that consummates a commercial
69 financing product shall disclose the terms of the commercial
70 financing product as required by this section. The
71 disclosures shall be provided at or before consummation of
72 the transaction and, in the case of a commercial open-end
73 credit plan, the disclosures shall also be provided for any
74 disbursement of funds after consummation within fifteen days
75 following the last day of the month in which the
76 disbursement of funds occurred under the commercial open-end
77 credit plan.

78 (2) A provider shall disclose the following in
79 connection with each commercial financing product:

80 (a) The total amount of funds provided to the business
81 under the terms of the commercial financing product. This
82 disclosure shall be labeled "Total Amount of Funds Provided";

83 (b) The total amount of funds disbursed to the
84 business under the terms of the commercial financing
85 product, if less than the total amount of funds provided, as
86 a result of any fees deducted or withheld at disbursement
87 and any amount paid to a third party on behalf of the
88 business. This disclosure shall be labeled "Total Amount of
89 Funds Disbursed";

90 (c) The total amount to be paid to the provider
91 pursuant to the commercial financing product agreement.
92 This disclosure shall be labeled "Total of Payments";

93 (d) The total dollar cost of the commercial financing
94 product under the terms of the agreement, derived by
95 subtracting the total amount of funds provided from the
96 total of payments. This calculation shall include any fees
97 or charges deducted by the provider from the total amount of
98 funds provided disclosure. This disclosure shall be labeled
99 "Total Dollar Cost of Financing";

100 (e) The manner, frequency, and amount of each
101 payment. This disclosure shall be labeled "Payments". If
102 the payments may vary, the provider shall instead disclose
103 the manner, frequency, and the estimated amount of the
104 initial payment labeled "Estimated Payments" and the
105 commercial financing product agreement shall include a
106 description of the methodology for calculating any variable
107 payment and the circumstances when payments may vary;

108 (f) A statement of whether there are any costs or
109 discounts associated with prepayment of the commercial
110 financing product including a reference to the paragraph in
111 the agreement that creates the contractual rights of the
112 parties related to prepayment. This disclosure shall be
113 labeled "Prepayment"; and

114 (g) A statement of whether any amount of the total
115 amount of funds provided described under paragraph (a) of
116 this subdivision are paid to a broker in connection with the
117 commercial financing product and the amount of compensation.

118 4. This section shall not apply to the following:

119 (1) A provider that is a depository institution, or a
120 subsidiary or service corporation of a depository
121 institution, that is:

- 122 (a) Owned and controlled by a depository institution;
123 and
- 124 (b) Regulated by a federal banking agency;
- 125 (2) A provider that is a lender regulated under the
126 Farm Credit Act, 12 U.S.C. Section 2001 et seq.;
- 127 (3) A commercial financing product:
- 128 (a) That is secured by real property;
- 129 (b) That is a lease, as defined under section 400.2A-
130 103; or
- 131 (c) That is a purchase-money obligation, as defined
132 under section 400.9-103;
- 133 (d) In which the recipient is a motor vehicle dealer
134 or an affiliate of such a dealer or a vehicle rental company
135 or an affiliate of such a company, pursuant to a commercial
136 loan or commercial open-end credit plan of at least fifty
137 thousand dollars;
- 138 (e) Offered by a person in connection with the sale of
139 products or services that such person manufactures,
140 licenses, or distributes or whose parent company or any
141 owned and controlled subsidiary thereof manufactures,
142 licenses, or distributes; or
- 143 (f) That is a factoring transaction, purchase, sale,
144 advance, or similar transaction of accounts receivables owed
145 to a health care provider because the health care provider
146 treated a patient's personal injury;
- 147 (4) A provider that is licensed as a money transmitter
148 in accordance with a license, certificate, or charter issued
149 by this state or any other state, district, territory, or
150 commonwealth of the United States; or
- 151 (5) A provider that consummates not more than five
152 commercial financing products in this state in a twelve-
153 month period.

154 5. (1) Any person or entity that violates any
155 provision of this section shall be punished by a fine of
156 five hundred dollars per incident, not to exceed twenty
157 thousand dollars for all aggregated violations arising from
158 the use of the transaction documentation or materials found
159 to be in violation of this section. Any person or entity
160 that violates any provision of this section after receiving
161 written notice of a prior violation from the attorney
162 general shall be punished by a fine of one thousand dollars
163 per incident, not to exceed fifty thousand dollars for all
164 aggregated violations arising from the use of the
165 transaction documentation or materials found to be in
166 violation of this section.

167 (2) Violation of any provision of this section shall
168 not affect the enforceability or validity of the underlying
169 agreement.

170 (3) This section shall not create a private right of
171 action against any person or other entity based upon
172 compliance or noncompliance with its provisions.

173 (4) Authority to enforce compliance with this section
174 is vested exclusively in the attorney general of this state.

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

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

7 (2) "Enter unlawfully or remain unlawfully", a person
8 enters or remains in or upon premises when he or she is not
9 licensed or privileged to do so. A person who, regardless
10 of his or her purpose, enters or remains in or upon premises
11 which are at the time open to the public does so with

12 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) "To tamper", to interfere with something
25 improperly, to meddle with it, displace it, make unwarranted
26 alterations in its existing condition, or to deprive,
27 temporarily, the owner or possessor of that thing;

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

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; or unless committed to**
37 **obtain the personal financial credentials of another person**
38 **or committed as a second or subsequent violation of**
39 **subdivision (4) of subsection 1 of this section in which**
40 **case it 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) is a remote**
146 **computer terminal owned or controlled by a financial**
147 **institution or a private business that allows individuals to**
148 **obtain financial services including obtaining cash,**
149 **transferring or transmitting money or digital currencies,**
150 **payment of bills, loading money or digital currency to a**
151 **payment card or other device without physical in-person**
152 **assistance from another person. "Teller machine" does not**

153 **include personally owned electronic devices used to access**
154 **financial services;**

155 [(23)] (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.

574.105. 1. As used in this section, the following
2 terms mean:

3 (1) "Conducts", initiating, concluding or
4 participating in initiating or concluding a transaction;

5 (2) "Criminal activity", any act or activity
6 constituting an offense punishable as a felony pursuant to
7 the laws of Missouri or the United States;

8 (3) ["Currency", currency and coin of the United
9 States;

10 (4) "Currency transaction", a transaction involving
11 the physical transfer of currency from one person to
12 another. A transaction which is a transfer of funds by
13 means of bank check, bank draft, wire transfer or other
14 written order, and which does not include the physical
15 transfer of currency is not a currency transaction]
16 "Cryptocurrency", a digital currency in which transactions
17 are verified and records are maintained by a decentralized
18 system using cryptography;

19 (4) "Financial transaction", a transaction:

20 (a) Involving:

21 a. The movement of funds by wire or other means,
22 including blockchain;

23 b. One or more monetary instruments; or

24 c. The transfer of title to any real property,
25 vehicle, vessel, or aircraft; or

26 (b) Involving the use of a financial institution as
27 defined under 31 U.S.C. Section 5312, as amended;

28 (5) "Monetary instruments":

29 (a) Currency and coin of the United States or of any
30 other country, cryptocurrency, travelers' checks, personal
31 checks, bank checks, bank wires, or money orders; or

32 (b) Investment securities or negotiable instruments,
33 in bearer form or otherwise in such form that title thereto
34 passes upon delivery;

35 [(5)] (6) "Person", natural persons, partnerships,
36 trusts, estates, associations, corporations and all entities
37 cognizable as legal personalities;

38 (7) "Transaction", a purchase, sale, loan, pledge,
39 gift, transfer, delivery, or other disposition, and with
40 respect to a financial institution includes a deposit;
41 withdrawal; transfer between accounts; exchange of currency;
42 loan; extension of credit; purchase or sale of any stock,
43 bond, certificate of deposit, or other monetary instrument;
44 use of a safe deposit box; or any other payment, transfer,
45 or delivery by, through, or to a financial institution, by
46 whatever means effected.

47 2. A person commits the offense of money laundering if
48 he or she:

49 (1) Conducts or attempts to conduct a [currency]
50 **financial** transaction with the purpose to promote or aid the
51 carrying on of criminal activity; or

52 (2) Conducts or attempts to conduct a [currency]
53 **financial** transaction with the purpose to conceal or
54 disguise in whole or in part the nature, location, source,
55 ownership or control of the proceeds of criminal activity; or

56 (3) Conducts or attempts to conduct a [currency]
57 **financial** transaction with the purpose to avoid [currency]
58 **financial** transaction reporting requirements under federal
59 law; or

60 (4) Conducts or attempts to conduct a [currency]
61 **financial** transaction with the purpose to promote or aid the
62 carrying on of criminal activity for the purpose of
63 furthering or making a terrorist threat or act.

64 3. The offense of money laundering is a class B felony
65 and in addition to penalties otherwise provided by law, a
66 fine of not more than five hundred thousand dollars or twice
67 the amount involved in the transaction, whichever is
68 greater, may be assessed.

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