

**Title 20—DEPARTMENT OF
COMMERCE AND INSURANCE
Division 2120—State Board of
Embalmers and Funeral Directors
Chapter 2—General Rules**

PROPOSED RULE

20 CSR 2120-2.106 – Preneed Funeral Contract Audit Fee Waiver

PURPOSE: To waive the twenty-five dollar (\$25) statutory state audit fee paid by consumers who are impacted by the receivership of National Prearranged Services (“NPS”).

- (1) The board may waive the per contract annual reporting fee required by section 436.460.5, RSMo, and rule 20 CSR 2120-2.100(1)(DD) for any seller who has entered into a contract for preneed funeral services with a consumer impacted by the receivership of National Prearranged Services ("NPS").
- (2) To request a waiver, the seller shall submit its request in writing to the board along with its annual report and provide any additional documentation as the board may request. The board may provide a form with requested information.
- (3) Waivers may only be granted where the consumer has not been charged any State audit fee (or similar reporting fee) or the seller has affirmed the consumer shall receive a refund or credit of any fee previously paid. In no event shall any waiver exceed twenty-five dollars (\$25) per contract.
- (4) In the event any waiver is denied, the seller shall remit the reporting fee due within sixty (60) days’ notice.
- (5) This rule shall sunset on October 31, 2026.

AUTHORITY: sections 333.340 and 436.460.5, RSMo 2016. Original rule filed: Apr. 29, 2024.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated forty-six thousand five hundred dollars (\$46,500) for the life of the rule.

PRIVATE COST: This proposed rule will save private entities an estimated forty-six thousand five hundred dollars (\$46,500) for the life of the rule.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Patty Faenger, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155 or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Commerce and Insurance

Division 2120—State Board of Embalmers and Funeral Directors

Chapter 2 - General Rules

Proposed Rule 20 CSR 2120-2.106 – Preneed Funeral Contract Audit Fee Waiver

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Loss of Revenue	
State Board of Embalmers and Funeral Directors	\$46,500	
	Estimated Total Cost Between the Rule Effective Date and October 31, 2026	\$46,500

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTION

1. The total loss of revenue is based on the cost savings to private entities reflected in the Private Fiscal Note filed with this rule.

PRIVATE FISCAL NOTE

I. RULE NUMBER

**Title 20 -Department of Commerce and Insurance
Division 2120—State Board of Embalmers and Funeral Directors
Chapter 2 - General Rules
Proposed Rule 20 CSR 2120-2.106 – Preneed Funeral Contract Audit Fee Waiver**

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated savings for the life of the rule by affected entities:
1,860	Audit Fee (Fee @ \$25)	\$46,500
	Estimated Total Savings Between the Rule Effective Date and October 31, 2026	\$46,500

III. WORKSHEET

See Table Above

IV. ASSUMPTION

1. The figure reported above is based on the list provided by the receivership. It is a listing of approximately 3,100 Missouri consumers impacted by the orphan contract cancellations. The board estimates 60% of this total will enter into a new preneed contract.
2. The fee waiver only affects consumers and preneed sellers impacted by the receivership of the National Prearranged Services. The fee is waived for consumers that enter into new preneed contracts.