

SECOND REGULAR SESSION

# HOUSE BILL NO. 2043

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BROWN (30).

4918L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 301.190, RSMo, and to enact in lieu thereof one new section relating to certificates of ownership for off-highway vehicles.

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

Section A. Section 301.190, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.190, to read as follows:

301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate therefor, shall be issued by the director of revenue unless the applicant therefor shall make application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall present satisfactory evidence that such certificate has been previously issued to the applicant for such motor vehicle or trailer. Application shall be made within thirty days after the applicant acquires the motor vehicle or trailer upon a blank form furnished by the director of revenue and shall contain the applicant's identification number, a full description of the motor vehicle or trailer, the vehicle identification number, and the mileage registered on the odometer at the time of transfer of ownership, as required by section 407.536, RSMo, together with a statement of the applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer, provided that for good cause shown the director of revenue may extend the period of time for making such application. When an owner wants to add or delete a name or names on an application for certificate of ownership of a motor vehicle or trailer that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete a name or names on an application for certificate of ownership.

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.

17           2. The director of revenue shall use reasonable diligence in ascertaining whether the facts  
18 stated in such application are true and shall, to the extent possible without substantially delaying  
19 processing of the application, review any odometer information pertaining to such motor vehicle  
20 that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of  
21 such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the  
22 director shall thereupon issue an appropriate certificate over his signature and sealed with the  
23 seal of his office, procured and used for such purpose. The certificate shall contain on its face  
24 a complete description, vehicle identification number, and other evidence of identification of the  
25 motor vehicle or trailer, as the director of revenue may deem necessary, together with the  
26 odometer information required to be put on the face of the certificate pursuant to section  
27 407.536, RSMo, a statement of any liens or encumbrances which the application may show to  
28 be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing  
29 the transferor's title and whether the transferor's odometer mileage statement executed pursuant  
30 to section 407.536, RSMo, indicated that the true mileage is materially different from the number  
31 of miles shown on the odometer, or is unknown.

32           3. The director of revenue shall appropriately designate on the current and all subsequent  
33 issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle",  
34 "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section  
35 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for  
36 motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print  
37 on the face thereof the following designation: "Annual odometer updates may be available from  
38 the department of revenue.". On any duplicate certificate, the director of revenue shall reprint  
39 on the face thereof the most recent of either:

40           (1) The mileage information included on the face of the immediately prior certificate and  
41 the date of purchase or issuance of the immediately prior certificate; or

42           (2) Any other mileage information provided to the director of revenue, and the date the  
43 director obtained or recorded that information.

44           4. The certificate of ownership issued by the director of revenue shall be manufactured  
45 in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge  
46 such certificate without ready detection. In order to carry out the requirements of this subsection,  
47 the director of revenue may contract with a nonprofit scientific or educational institution  
48 specializing in the analysis of secure documents to determine the most effective methods of  
49 rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

50           5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in  
51 addition to the fee for registration of such motor vehicle or trailer. If application for the  
52 certificate is not made within thirty days after the vehicle is acquired by the applicant, a

53 delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and  
54 twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of two  
55 hundred dollars, but such penalty may be waived by the director for a good cause shown. If the  
56 director of revenue learns that any person has failed to obtain a certificate within thirty days after  
57 acquiring a motor vehicle or trailer or has sold a vehicle without obtaining a certificate, he shall  
58 cancel the registration of all vehicles registered in the name of the person, either as sole owner  
59 or as a co-owner, and shall notify the person that the cancellation will remain in force until the  
60 person pays the delinquency penalty fee provided in this section, together with all fees, charges  
61 and payments which the person should have paid in connection with the certificate of ownership  
62 and registration of the vehicle. The certificate shall be good for the life of the motor vehicle or  
63 trailer so long as the same is owned or held by the original holder of the certificate and shall not  
64 have to be renewed annually.

65           6. Any applicant for a certificate of ownership requesting the department of revenue to  
66 process an application for a certificate of ownership in an expeditious manner requiring special  
67 handling shall pay a fee of five dollars in addition to the regular certificate of ownership fee.

68           7. It is unlawful for any person to operate in this state a motor vehicle or trailer required  
69 to be registered under the provisions of the law unless a certificate of ownership has been applied  
70 for as provided in this section.

71           8. Before an original Missouri certificate of ownership is issued, an inspection of the  
72 vehicle and a verification of vehicle identification numbers shall be made by the Missouri state  
73 highway patrol on vehicles for which there is a current title issued by another state if a Missouri  
74 salvage certificate of title has been issued for the same vehicle but no prior inspection and  
75 verification has been made in this state, except that if such vehicle has been inspected in another  
76 state by a law enforcement officer in a manner comparable to the inspection process in this state  
77 and the vehicle identification numbers have been so verified, the applicant shall not be liable for  
78 the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle  
79 identification number verification to the director of revenue at the time of the application. The  
80 applicant, who has such a title for a vehicle on which no prior inspection and verification have  
81 been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable  
82 to the director of revenue at the time of the request for the application, which shall be deposited  
83 in the state treasury to the credit of the state highways and transportation department fund.

84           9. Each application for an original Missouri certificate of ownership for a vehicle which  
85 is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle,  
86 motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director  
87 of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state  
88 highway patrol, or other law enforcement agency as authorized by the director of revenue. The

89 vehicle examination shall include a verification of vehicle identification numbers and a  
90 determination of the classification of the vehicle. The owner of a vehicle which requires a  
91 vehicle examination certificate shall present the vehicle for examination and obtain a completed  
92 vehicle examination certificate prior to submitting an application for a certificate of ownership  
93 to the director of revenue. The fee for the vehicle examination application shall be twenty-five  
94 dollars and shall be collected by the director of revenue at the time of the request for the  
95 application and shall be deposited in the state treasury to the credit of the state highways and  
96 transportation department fund. If the vehicle is also to be registered in Missouri, the safety  
97 inspection required in chapter 307, RSMo, and the emissions inspection required under chapter  
98 643, RSMo, shall be completed and the fees required by section 307.365, RSMo, and section  
99 643.315, RSMo, shall be charged to the owner.

100         10. When an application is made for an original Missouri certificate of ownership for a  
101 motor vehicle previously registered or titled in a state other than Missouri or as required by  
102 section 301.020, it shall be accompanied by a current inspection form certified by a duly  
103 authorized official inspection station as described in chapter 307, RSMo. The completed form  
104 shall certify that the manufacturer's identification number for the vehicle has been inspected, that  
105 it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the  
106 time of inspection. The inspection station shall collect the same fee as authorized in section  
107 307.365, RSMo, for making the inspection, and the fee shall be deposited in the same manner  
108 as provided in section 307.365, RSMo. If the vehicle is also to be registered in Missouri, the  
109 safety inspection required in chapter 307, RSMo, and the emissions inspection required under  
110 chapter 643, RSMo, shall be completed and only the fees required by section 307.365, RSMo,  
111 and section 643.315, RSMo, shall be charged to the owner. This section shall not apply to  
112 vehicles being transferred on a manufacturer's statement of origin.

113         11. Motor vehicles brought into this state in a wrecked or damaged condition or after  
114 being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle  
115 procedures shall, in lieu of the inspection required by subsection 10 of this section, be inspected  
116 by the Missouri state highway patrol in accordance with subsection 9 of this section. If the  
117 inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate  
118 on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall  
119 be carried forward on all subsequently issued certificates of title for the motor vehicle.

120         12. When an application is made for an original Missouri certificate of ownership for a  
121 motor vehicle previously registered or titled in a state other than Missouri, and the certificate of  
122 ownership has been appropriately designated by the issuing state as a reconstructed motor  
123 vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the  
124 director of revenue shall appropriately designate on the current Missouri and all subsequent

125 issues of the certificate of ownership the name of the issuing state and such prior designation.  
126 The absence of any prior designation shall not relieve a transferor of the duty to exercise due  
127 diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a  
128 transferor exercises any due diligence with regard to a certificate of ownership, the legal transfer  
129 of a certificate of ownership without any designation that is subsequently discovered to have or  
130 should have had a designation shall be a transfer free and clear of any liabilities of the transferor  
131 associated with the missing designation.

132         13. When an application is made for an original Missouri certificate of ownership for a  
133 motor vehicle previously registered or titled in a state other than Missouri, and the certificate of  
134 ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle,  
135 the director of revenue shall appropriately designate on the current Missouri and all subsequent  
136 issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

137         14. The director of revenue and the superintendent of the Missouri state highway patrol  
138 shall make and enforce rules for the administration of the inspections required by this section.

139         15. Each application for an original Missouri certificate of ownership for a vehicle which is  
140 classified as a reconstructed motor vehicle, manufactured forty or more years prior to the current  
141 model year, and which has a value of three thousand dollars or less shall be accompanied by:

142             (1) A proper affidavit submitted by the owner explaining how the motor vehicle or trailer  
143 was acquired and, if applicable, the reasons a valid certificate of ownership cannot be furnished;

144             (2) Photocopies of receipts, bills of sale establishing ownership, or titles, and the source  
145 of all major component parts used to rebuild the vehicle;

146             (3) A fee of one hundred fifty dollars in addition to the fees described in subsection 5  
147 of this section. Such fee shall be deposited in the state treasury to the credit of the state highways  
148 and transportation department fund; and

149             (4) An inspection certificate, other than a motor vehicle examination certificate required  
150 under subsection 9 of this section, completed and issued by the Missouri state highway patrol,  
151 or other law enforcement agency as authorized by the director of revenue. The inspection  
152 performed by the highway patrol or other authorized local law enforcement agency shall include  
153 a check for stolen vehicles. The department of revenue shall issue the owner a certificate of  
154 ownership designated with the words "Reconstructed Motor Vehicle" and deliver such certificate  
155 of ownership in accordance with the provisions of this chapter. Notwithstanding subsection 9  
156 of this section, no owner of a reconstructed motor vehicle described in this subsection shall be  
157 required to obtain a vehicle examination certificate issued by the Missouri state highway patrol.

158         **15. Notwithstanding the provisions of this section or any other law, when an**  
159 **application is made for an original Missouri certificate of ownership for an off-highway**  
160 **vehicle, it shall be accompanied by an affidavit submitted by the owner explaining how the**

161 **off-highway vehicle was acquired and a photocopy of the bill of sale establishing ownership**  
162 **of such vehicle. For purposes of this subsection, "off-highway vehicle" means any vehicle**  
163 **designed for or capable of cross-country travel on or immediately over land, water, ice,**  
164 **snow, marsh, swampland, or other natural terrain without benefit of a road or trail:**

165 **(1) Including, without limitation, the following:**

166 **(a) All-terrain vehicles;**

167 **(b) Dune buggies;**

168 **(c) Multiwheel drive or low-pressure tire vehicles;**

169 **(d) Vehicles using an endless belt, or tread or treads, or a combination of tread and**  
170 **low-pressure tires;**

171 **(e) Motorcycles, trail bikes, minibikes, and related vehicles;**

172 **(f) Any other means of transportation deriving power from any source other than**  
173 **muscle or wind; and**

174 **(2) Excluding the following:**

175 **(a) Registered motorboats;**

176 **(b) Aircraft;**

177 **(c) Any military, fire or law enforcement vehicle;**

178 **(d) Farm-type tractors and other self-propelled equipment for harvesting and**  
179 **transporting farm or forest products;**

180 **(e) Any vehicle being used for farm purposes, earth moving, or construction while**  
181 **being used for such purposes on the work site;**

182 **(f) Self-propelled lawnmowers, or lawn or garden tractors, or golf carts, while**  
183 **being used exclusively for their designed purpose; and**

184 **(g) Any vehicle being used for the purpose of transporting a handicapped person.**

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