

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1329

96TH GENERAL ASSEMBLY

5214L.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 301.140, 301.147, 301.559, and 301.3087, RSMo, and to enact in lieu thereof four new sections relating to motor vehicle registration.

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

Section A. Sections 301.140, 301.147, 301.559, and 301.3087, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 301.140, 301.147, 301.559,
3 and 301.3087, to read as follows:

301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate
2 of registration and the right to use the number plates shall expire and the number plates shall be
3 removed by the owner at the time of the transfer of possession, and it shall be unlawful for any
4 person other than the person to whom such number plates were originally issued to have the
5 same in his or her possession whether in use or not, unless such possession is solely for
6 charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor
7 vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the
8 newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred
9 plates shall be lawful for no more than thirty days. As used in this subsection, the term "trade-in
10 motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the
11 newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or
12 trailer are still valid.

13 2. In the case of a transfer of ownership the original owner may register another motor
14 vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle
15 is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle)
16 seating capacity, not in excess of that originally registered. When such motor vehicle is of

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 greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor
18 vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee
19 of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less
20 horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating
21 capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

22 3. License plates may be transferred from a motor vehicle which will no longer be
23 operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay
24 a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in
25 the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that
26 of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of
27 greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor
28 vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer
29 fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased
30 vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial
31 motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be
32 entitled to a refund.

33 4. [Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made
34 application for registration, by mail or otherwise, may operate the same for a period of thirty days
35 after taking possession thereof, if during such period the motor vehicle or trailer shall have
36 attached thereto, in the manner required by section 301.130, number plates issued to the dealer.
37 Upon application and presentation of proof of financial responsibility as required under
38 subsection 5 of this section and satisfactory evidence that the buyer has applied for registration,
39 a dealer may furnish such number plates to the buyer for such temporary use. In such event, the
40 dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to be returned to
41 the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer
42 such number plates within thirty days. The director shall issue a temporary permit authorizing
43 the operation of a motor vehicle or trailer by a buyer for not more than thirty days of the date of
44 purchase.

45 5.] **The director of revenue shall have authority to produce or allow others to**
46 **produce a new temporary permit authorizing the operation of a motor vehicle or trailer**
47 **by a buyer for not more than thirty days from the date of purchase.** The temporary permit
48 [shall be made available by the director of revenue and] **authorized under this section** may be
49 **purchased by the purchaser of a motor vehicle or trailer** from the department of revenue upon
50 proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate
51 available for transfer and upon proof of financial responsibility, or from a dealer upon purchase
52 of a motor vehicle or trailer for which the buyer has no registration plate available for transfer,

53 **or from a dealer upon purchase of a motor vehicle or trailer for which the buyer has**
54 **registered and is awaiting receipt of registration plates.** The director [shall] **or a producer**
55 **authorized by the director may** make temporary permits available to registered dealers in this
56 state or authorized agents of the department of revenue [in sets of ten permits]. The [fee for the
57 temporary permit shall be seven dollars and fifty cents for each permit or plate issued] **price paid**
58 **by a registered dealer or an authorized agent of the department of revenue for a temporary**
59 **permit shall not exceed five dollars for each permit. The director shall direct dealers and**
60 **authorized agents to obtain temporary permits from the authorized producer. Amounts**
61 **received by the director for temporary permits shall constitute state revenue; however,**
62 **amounts received by an authorized producer other than the director shall not constitute**
63 **state revenue and any amounts received by dealers or authorized agents for temporary**
64 **permits purchased from a producer other than the director shall not constitute state**
65 **revenue. In no event shall revenues from the general revenue fund or any other state fund**
66 **be utilized to compensate motor vehicle dealers or other producers for their role in**
67 **producing temporary permits as authorized under this section. Amounts that do not**
68 **constitute state revenue under this section shall also not constitute fees for registration or**
69 **certificates of title to be collected by the director under section 301.190.** No dealer or
70 authorized agent shall charge more than [seven dollars and fifty cents] **five dollars** for each
71 permit issued. The permit shall be valid for a period of thirty days from the date of purchase of
72 a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a dealer for
73 which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle
74 under this section unless the buyer shows proof of financial responsibility.

75 [6.] **5.** The permit shall be issued on a form prescribed by the director and issued only
76 for the applicant's [use in the] **temporary** operation of the motor vehicle or trailer purchased to
77 enable the applicant to [legally] **temporarily** operate the vehicle while proper title and
78 registration [plate] **plates** are being obtained, **or while awaiting receipt of registration plates,**
79 and shall be displayed on no other vehicle. Temporary permits issued pursuant to this section
80 shall not be transferable or renewable and shall not be valid upon issuance of proper registration
81 plates for the motor vehicle or trailer. The director shall determine the size [and] , **material,**
82 **design, reporting and tracking method to the Missouri uniform law enforcement system,**
83 numbering configuration, construction, and color of the permit. **The director, at his or her**
84 **discretion, shall have the authority to reissue, and thereby extend the use of, a temporary**
85 **permit previously and legally issued for a motor vehicle or trailer while proper title and**
86 **registration are being obtained.**

87 [7. The dealer or authorized agent shall insert the date of issuance and expiration date,
88 year, make, and manufacturer's number of vehicle on the permit when issued to the buyer. The
89 dealer shall also insert such dealer's number on the permit.]

90 **6.** Every dealer that issues [a] temporary [permit] **permits** shall keep, for inspection [of]
91 **by** proper officers, [a correct] **an accurate** record of each permit issued by recording the permit
92 [or plate] number, **the dealer's number**, buyer's name and address, **the vehicle's** year, make,
93 **and** manufacturer's vehicle identification number [on which the permit is to be used], and the
94 **permit's** date of issuance **and expiration date**.

95 [8.] **7.** Upon the transfer of ownership of any currently registered motor vehicle wherein
96 the owner cannot transfer the license plates due to a change of vehicle category, the owner may
97 surrender the license plates issued to the motor vehicle and receive credit for any unused portion
98 of the original registration fee against the registration fee of another motor vehicle. Such credit
99 shall be granted based upon the date the license plates are surrendered. No refunds shall be made
100 on the unused portion of any license plates surrendered for such credit.

101 **8.** **The director may promulgate all necessary rules and regulations for the**
102 **administration of this section. Any rule or portion of a rule, as that term is defined in**
103 **section 536.010, that is created under the authority delegated in this section shall become**
104 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
105 **if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
106 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
107 **the effective date, or to disapprove and annul a rule are subsequently held**
108 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
109 **after August 28, 2012, shall be invalid and void.**

301.147. 1. Notwithstanding the provisions of section 301.020 to the contrary,
2 beginning July 1, 2000, the director of revenue may provide owners of motor vehicles, other than
3 commercial motor vehicles licensed in excess of [twelve] **fifty-four** thousand pounds gross
4 weight, the option of biennially registering motor vehicles. Any vehicle manufactured as an
5 even-numbered model year vehicle shall be renewed each even-numbered calendar year and any
6 such vehicle manufactured as an odd-numbered model year vehicle shall be renewed each
7 odd-numbered calendar year, subject to the following requirements:

8 (1) The fee collected at the time of biennial registration shall include the annual
9 registration fee plus a pro rata amount for the additional twelve months of the biennial
10 registration;

11 (2) Presentation of all documentation otherwise required by law for vehicle registration
12 including, but not limited to, a personal property tax receipt or certified statement for the
13 preceding year that no such taxes were due as set forth in section 301.025, proof of a motor

14 vehicle safety inspection and any applicable emission inspection conducted within sixty days
15 prior to the date of application and proof of insurance as required by section 303.026.

16 2. The director of revenue may prescribe rules and regulations for the effective
17 administration of this section. The director is authorized to adopt those rules that are reasonable
18 and necessary to accomplish the limited duties specifically delegated within this section. Any
19 rule or portion of a rule, as that term is defined in section 536.010, that is promulgated pursuant
20 to the authority delegated in this section shall become effective only if it has been promulgated
21 pursuant to the provisions of chapter 536. This section and chapter 536 are nonseverable and
22 if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay
23 the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then
24 the grant of rulemaking authority and any rule proposed or adopted after July 1, 2000, shall be
25 invalid and void.

26 3. The director of revenue shall have the authority to stagger the registration period of
27 motor vehicles other than commercial motor vehicles licensed in excess of twelve thousand
28 pounds gross weight. Once the owner of a motor vehicle chooses the option of biennial
29 registration, such registration must be maintained for the full twenty-four month period.

301.559. 1. It shall be unlawful for any person to engage in business as or act as a motor
2 vehicle dealer, boat dealer, manufacturer, boat manufacturer, public motor vehicle auction,
3 wholesale motor vehicle auction or wholesale motor vehicle dealer without first obtaining a
4 license from the department as required in sections 301.550 to 301.573. Any person who
5 maintains or operates any business wherein a license is required pursuant to the provisions of
6 sections 301.550 to 301.573, without such license, is guilty of a class A misdemeanor. Any
7 person committing a second violation of sections 301.550 to 301.573 shall be guilty of a class
8 D felony.

9 2. All dealer licenses shall expire on December thirty-first of [each year] **the designated**
10 **license period**. The department shall notify each person licensed under sections 301.550 to
11 301.573 of the date of license expiration and the amount of the fee required for renewal. The
12 notice shall be mailed at least ninety days before the date of license expiration to the licensee's
13 last known business address. **The director shall have the authority to issue licenses valid for**
14 **a period of up to two years and to stagger the license periods for administrative efficiency**
15 **and equalization of workload, at the sole discretion of the director.**

16 3. Every manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle
17 dealer, wholesale motor vehicle auction, boat dealer or public motor vehicle auction shall make
18 application to the department for issuance of a license. The application shall be on forms
19 prescribed by the department and shall be issued under the terms and provisions of sections
20 301.550 to 301.573 and require all applicants, as a condition precedent to the issuance of a

21 license, to provide such information as the department may deem necessary to determine that the
22 applicant is bona fide and of good moral character, except that every application for a license
23 shall contain, in addition to such information as the department may require, a statement to the
24 following facts:

25 (1) The name and business address, not a post office box, of the applicant and the
26 fictitious name, if any, under which he intends to conduct his business; and if the applicant be
27 a partnership, the name and residence address of each partner, an indication of whether the
28 partner is a limited or general partner and the name under which the partnership business is to
29 be conducted. In the event that the applicant is a corporation, the application shall list the names
30 of the principal officers of the corporation and the state in which it is incorporated. Each
31 application shall be verified by the oath or affirmation of the applicant, if an individual, or in the
32 event an applicant is a partnership or corporation, then by a partner or officer;

33 (2) Whether the application is being made for registration as a manufacturer, boat
34 manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer, wholesale motor
35 vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction;

36 (3) When the application is for a new motor vehicle franchise dealer, the application
37 shall be accompanied by a copy of the franchise agreement in the registered name of the
38 dealership setting out the appointment of the applicant as a franchise holder and it shall be signed
39 by the manufacturer, or his authorized agent, or the distributor, or his authorized agent, and shall
40 include a description of the make of all motor vehicles covered by the franchise. The department
41 shall not require a copy of the franchise agreement to be submitted with each renewal application
42 unless the applicant is now the holder of a franchise from a different manufacturer or distributor
43 from that previously filed, or unless a new term of agreement has been entered into;

44 (4) When the application is for a public motor vehicle auction, that the public motor
45 vehicle auction has met the requirements of section 301.561.

46 4. No insurance company, finance company, credit union, savings and loan association,
47 bank or trust company shall be required to obtain a license from the department in order to sell
48 any motor vehicle, trailer or vessel repossessed or purchased by the company on the basis of total
49 destruction or theft thereof when the sale of the motor vehicle, trailer or vessel is in conformance
50 with applicable title and registration laws of this state.

51 5. No person shall be issued a license to conduct a public motor vehicle auction or
52 wholesale motor vehicle auction if such person has a violation of sections 301.550 to 301.573
53 or other violations of chapter 301, sections 407.511 to 407.556, or section 578.120 which
54 resulted in a felony conviction or finding of guilt or a violation of any federal motor vehicle laws
55 which resulted in a felony conviction or finding of guilt.

301.3087. 1. Any person may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Missouri State Humane Association. The Missouri State Humane Association hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. All emblem-use authorization fees, except reasonable administrative costs, shall be placed into a special fund as described in subsection 4 of this section and shall be used exclusively for the purpose of spaying and neutering dogs and cats in the state of Missouri.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri State Humane Association, the Missouri State Humane Association shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. **Application for the use of the logo and payment of the twenty-five dollar contribution may also be made at the time of registration to the director, who shall deposit such contribution in the state treasury to the credit of the Missouri pet spay-neuter fund.** Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Missouri State Humane Association and shall have the words "I'M PET FRIENDLY" on the license plates in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the Missouri State Humane Association emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri State Humane Association emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

4. The "Missouri Pet Spay/Neuter Fund" is hereby created as a special fund in the state treasury and shall be administered by the department of agriculture. This fund shall consist of moneys collected pursuant to this section. All moneys deposited in the Missouri pet spay/neuter

37 fund, except reasonable administrative costs, shall be paid as grants to humane societies, local
38 municipal animal shelters regulated by sections 273.400 to 273.405, and organizations exempt
39 from federal income taxation under Section 501(c)(3) of the Internal Revenue Code to be used
40 solely for the spaying and neutering of dogs and cats in the state of Missouri. For purposes of
41 approving grants under this section, the governor shall appoint a volunteer board that shall
42 consist of three Missouri residents, of which two shall be administrators of local municipal
43 animal shelters regulated by sections 273.400 to 273.405 and one shall be an administrator of a
44 humane society. Each of the three members shall be from separate congressional districts.
45 Members of this board shall be appointed for three-year terms and shall meet at least twice a year
46 to review grant applications. All moneys deposited in the Missouri pet spay/neuter fund, except
47 reasonable administrative costs, shall be spent by the end of each fiscal year. Notwithstanding
48 the provisions of section 33.080 to the contrary, if any moneys remain in the fund at the end of
49 the biennium, said moneys shall not revert to the credit of the general revenue fund.

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