

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1150

AN ACT

To repeal sections 301.190, 301.193, and 301.227, RSMo, and to enact in lieu thereof three new sections relating to the issuance of certificate of titles for motor vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 301.190, 301.193, and 301.227, RSMo,
2 are repealed and three new sections enacted in lieu thereof, to
3 be known as sections 301.190, 301.193, and 301.227, to read as
4 follows:

5 301.190. 1. No certificate of registration of any motor
6 vehicle or trailer, or number plate therefor, shall be issued by
7 the director of revenue unless the applicant therefor shall make
8 application for and be granted a certificate of ownership of such
9 motor vehicle or trailer, or shall present satisfactory evidence
10 that such certificate has been previously issued to the applicant
11 for such motor vehicle or trailer. Application shall be made
12 within thirty days after the applicant acquires the motor vehicle
13 or trailer upon a blank form furnished by the director of revenue

1 and shall contain the applicant's identification number, a full
2 description of the motor vehicle or trailer, the vehicle
3 identification number, and the mileage registered on the odometer
4 at the time of transfer of ownership, as required by section
5 407.536, together with a statement of the applicant's source of
6 title and of any liens or encumbrances on the motor vehicle or
7 trailer, provided that for good cause shown the director of
8 revenue may extend the period of time for making such
9 application. When an owner wants to add or delete a name or
10 names on an application for certificate of ownership of a motor
11 vehicle or trailer that would cause it to be inconsistent with
12 the name or names listed on the notice of lien, the owner shall
13 provide the director with documentation evidencing the
14 lienholder's authorization to add or delete a name or names on an
15 application for certificate of ownership.

16 2. The director of revenue shall use reasonable diligence
17 in ascertaining whether the facts stated in such application are
18 true and shall, to the extent possible without substantially
19 delaying processing of the application, review any odometer
20 information pertaining to such motor vehicle that is accessible
21 to the director of revenue. If satisfied that the applicant is
22 the lawful owner of such motor vehicle or trailer, or otherwise
23 entitled to have the same registered in his name, the director
24 shall thereupon issue an appropriate certificate over his
25 signature and sealed with the seal of his office, procured and
26 used for such purpose. The certificate shall contain on its face
27 a complete description, vehicle identification number, and other
28 evidence of identification of the motor vehicle or trailer, as

1 the director of revenue may deem necessary, together with the
2 odometer information required to be put on the face of the
3 certificate pursuant to section 407.536, a statement of any liens
4 or encumbrances which the application may show to be thereon,
5 and, if ownership of the vehicle has been transferred, the name
6 of the state issuing the transferor's title and whether the
7 transferor's odometer mileage statement executed pursuant to
8 section 407.536 indicated that the true mileage is materially
9 different from the number of miles shown on the odometer, or is
10 unknown.

11 3. The director of revenue shall appropriately designate on
12 the current and all subsequent issues of the certificate the
13 words "Reconstructed Motor Vehicle", "Motor Change Vehicle",
14 "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor
15 Vehicle", as defined in section 301.010. Effective July 1, 1990,
16 on all original and all subsequent issues of the certificate for
17 motor vehicles as referenced in subsections 2 and 3 of section
18 301.020, the director shall print on the face thereof the
19 following designation: "Annual odometer updates may be available
20 from the department of revenue.". On any duplicate certificate,
21 the director of revenue shall reprint on the face thereof the
22 most recent of either:

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

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

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

10 5. The fee for each original certificate so issued shall be
11 eight dollars and fifty cents, in addition to the fee for
12 registration of such motor vehicle or trailer. If application for
13 the certificate is not made within thirty days after the vehicle
14 is acquired by the applicant, a delinquency penalty fee of
15 twenty-five dollars for the first thirty days of delinquency and
16 twenty-five dollars for each thirty days of delinquency
17 thereafter, not to exceed a total of two hundred dollars, but
18 such penalty may be waived by the director for a good cause
19 shown. If the director of revenue learns that any person has
20 failed to obtain a certificate within thirty days after acquiring
21 a motor vehicle or trailer or has sold a vehicle without
22 obtaining a certificate, he shall cancel the registration of all
23 vehicles registered in the name of the person, either as sole
24 owner or as a co-owner, and shall notify the person that the
25 cancellation will remain in force until the person pays the
26 delinquency penalty fee provided in this section, together with
27 all fees, charges and payments which the person should have paid
28 in connection with the certificate of ownership and registration

1 of the vehicle. The certificate shall be good for the life of
2 the motor vehicle or trailer so long as the same is owned or held
3 by the original holder of the certificate and shall not have to
4 be renewed annually.

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

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

14 8. Before an original Missouri certificate of ownership is
15 issued, an inspection of the vehicle and a verification of
16 vehicle identification numbers shall be made by the Missouri
17 state highway patrol on vehicles for which there is a current
18 title issued by another state if a Missouri salvage certificate
19 of title has been issued for the same vehicle but no prior
20 inspection and verification has been made in this state, except
21 that if such vehicle has been inspected in another state by a law
22 enforcement officer in a manner comparable to the inspection
23 process in this state and the vehicle identification numbers have
24 been so verified, the applicant shall not be liable for the
25 twenty-five dollar inspection fee if such applicant submits proof
26 of inspection and vehicle identification number verification to
27 the director of revenue at the time of the application. The
28 applicant, who has such a title for a vehicle on which no prior

1 inspection and verification have been made, shall pay a fee of
2 twenty-five dollars for such verification and inspection, payable
3 to the director of revenue at the time of the request for the
4 application, which shall be deposited in the state treasury to
5 the credit of the state highways and transportation department
6 fund.

7 9. Each application for an original Missouri certificate of
8 ownership for a vehicle which is classified as a reconstructed
9 motor vehicle, specially constructed motor vehicle, kit vehicle,
10 motor change vehicle, non-USA-std motor vehicle, or other vehicle
11 as required by the director of revenue shall be accompanied by a
12 vehicle examination certificate issued by the Missouri state
13 highway patrol, or other law enforcement agency as authorized by
14 the director of revenue. The vehicle examination shall include a
15 verification of vehicle identification numbers and a
16 determination of the classification of the vehicle. The owner of
17 a vehicle which requires a vehicle examination certificate shall
18 present the vehicle for examination and obtain a completed
19 vehicle examination certificate prior to submitting an
20 application for a certificate of ownership to the director of
21 revenue. Notwithstanding any provision of the law to the
22 contrary, an owner presenting a motor vehicle which has been
23 issued a salvage title and which is ten years of age or older to
24 a vehicle examination described in this subsection in order to
25 obtain a certificate of ownership with the designation prior
26 salvage motor vehicle, shall not be required to repair or restore
27 the vehicle to its original appearance in order to pass or
28 complete the vehicle examination. The fee for the vehicle

1 examination application shall be twenty-five dollars and shall be
2 collected by the director of revenue at the time of the request
3 for the application and shall be deposited in the state treasury
4 to the credit of the state highways and transportation department
5 fund. If the vehicle is also to be registered in Missouri, the
6 safety inspection required in chapter 307 and the emissions
7 inspection required under chapter 643 shall be completed and the
8 fees required by section 307.365 and section 643.315 shall be
9 charged to the owner.

10 10. When an application is made for an original Missouri
11 certificate of ownership for a motor vehicle previously
12 registered or titled in a state other than Missouri or as
13 required by section 301.020, it shall be accompanied by a current
14 inspection form certified by a duly authorized official
15 inspection station as described in chapter 307. The completed
16 form shall certify that the manufacturer's identification number
17 for the vehicle has been inspected, that it is correctly
18 displayed on the vehicle and shall certify the reading shown on
19 the odometer at the time of inspection. The inspection station
20 shall collect the same fee as authorized in section 307.365 for
21 making the inspection, and the fee shall be deposited in the same
22 manner as provided in section 307.365. If the vehicle is also to
23 be registered in Missouri, the safety inspection required in
24 chapter 307 and the emissions inspection required under chapter
25 643 shall be completed and only the fees required by section
26 307.365 and section 643.315 shall be charged to the owner. This
27 section shall not apply to vehicles being transferred on a
28 manufacturer's statement of origin.

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

12 12. When an application is made for an original Missouri
13 certificate of ownership for a motor vehicle previously
14 registered or titled in a state other than Missouri, and the
15 certificate of ownership has been appropriately designated by the
16 issuing state as a reconstructed motor vehicle, motor change
17 vehicle, specially constructed motor vehicle, or prior salvage
18 vehicle, the director of revenue shall appropriately designate on
19 the current Missouri and all subsequent issues of the certificate
20 of ownership the name of the issuing state and such prior
21 designation. The absence of any prior designation shall not
22 relieve a transferor of the duty to exercise due diligence with
23 regard to such certificate of ownership prior to the transfer of
24 a certificate. If a transferor exercises any due diligence with
25 regard to a certificate of ownership, the legal transfer of a
26 certificate of ownership without any designation that is
27 subsequently discovered to have or should have had a designation
28 shall be a transfer free and clear of any liabilities of the

1 transferor associated with the missing designation.

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

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

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

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

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

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

28 (4) An inspection certificate, other than a motor vehicle

1 examination certificate required under subsection 9 of this
2 section, completed and issued by the Missouri state highway
3 patrol, or other law enforcement agency as authorized by the
4 director of revenue. The inspection performed by the highway
5 patrol or other authorized local law enforcement agency shall
6 include a check for stolen vehicles. The department of revenue
7 shall issue the owner a certificate of ownership designated with
8 the words "Reconstructed Motor Vehicle" and deliver such
9 certificate of ownership in accordance with the provisions of
10 this chapter. Notwithstanding subsection 9 of this section, no
11 owner of a reconstructed motor vehicle described in this
12 subsection shall be required to obtain a vehicle examination
13 certificate issued by the Missouri state highway patrol.

14 301.193. 1. Any person who purchases or is the owner of
15 real property on which vehicles, as defined in section [301.011]
16 301.010, vessels or watercraft, as defined in section 306.010, or
17 outboard motors, as that term is used in section 306.530, have
18 been abandoned, without the consent of said purchaser or owner of
19 the real property, may apply to the department of revenue for a
20 certificate of title. Any insurer which purchases a vehicle
21 through the claims adjustment process for which the insurer is
22 unable to obtain a negotiable title may make an application to
23 the department of revenue for a salvage certificate of title
24 pursuant to this section. Prior to making application for a
25 certificate of title on a vehicle under this section, the insurer
26 or owner of the real estate shall have the vehicle inspected by
27 law enforcement pursuant to subsection 9 of section 301.190, and
28 shall have law enforcement perform a check in the national crime

1 information center and any appropriate statewide law enforcement
2 computer to determine if the vehicle has been reported stolen and
3 the name and address of the person to whom the vehicle was last
4 titled and any lienholders of record. The insurer or owner or
5 purchaser of the real estate shall, thirty days prior to making
6 application for title, notify any owners or lienholders of record
7 for the vehicle by certified mail that the owner intends to apply
8 for a certificate of title from the director for the abandoned
9 vehicle. The application for title shall be accompanied by:

10 (1) A statement explaining the circumstances by which the
11 property came into the insurer, owner or purchaser's possession;
12 a description of the property including the year, make, model,
13 vehicle identification number and any decal or license plate that
14 may be affixed to the vehicle; the current location of the
15 property; and the retail value of the property;

16 (2) An inspection report of the property, if it is a
17 vehicle, by a law enforcement agency pursuant to subsection 9 of
18 section 301.190; and

19 (3) A copy of the thirty-day notice and certified mail
20 receipt mailed to any owner and any person holding a valid
21 security interest of record.

22 2. Upon receipt of the application and supporting
23 documents, the director shall search the records of the
24 department of revenue, or initiate an inquiry with another state,
25 if the evidence presented indicated the property described in the
26 application was registered or titled in another state, to verify
27 the name and address of any owners and any lienholders. If the
28 latest owner or lienholder was not notified the director shall

1 inform the insurer, owner, or purchaser of the real estate of the
2 latest owner and lienholder information so that notice may be
3 given as required by subsection 1 of this section. Any owner or
4 lienholder receiving notification may protest the issuance of
5 title by, within the thirty-day notice period and may file a
6 petition to recover the vehicle, naming the insurer or owner of
7 the real estate and serving a copy of the petition on the
8 director of revenue. The director shall not be a party to such
9 petition but shall, upon receipt of the petition, suspend the
10 processing of any further certificate of title until the rights
11 of all parties to the vehicle are determined by the court. Once
12 all requirements are satisfied the director shall issue one of
13 the following:

14 (1) An original certificate of title if the vehicle
15 examination certificate, as provided in section 301.190,
16 indicates that the vehicle was not previously in a salvaged
17 condition or rebuilt;

18 (2) An original certificate of title designated as prior
19 salvage if the vehicle examination certificate as provided in
20 section 301.190 indicates the vehicle was previously in a
21 salvaged condition or rebuilt;

22 (3) A salvage certificate of title designated with the
23 words "salvage/abandoned property" or junking certificate based
24 on the condition of the property as stated in the inspection
25 report. An insurer purchasing a vehicle through the claims
26 adjustment process under this section shall only be eligible to
27 obtain a salvage certificate of title or junking certificate.

28 3. Any insurer which purchases a vehicle that is currently

1 titled in Missouri through the claims adjustment process for
2 which the insurer is unable to obtain a negotiable title may make
3 application to the department of revenue for a salvage
4 certificate of title or junking certificate. Such application
5 may be made by the insurer or its designated salvage pool on a
6 form provided by the department and signed under penalty of
7 perjury. The application shall include a declaration that the
8 insurer has made at least two written attempts to obtain the
9 certificate of title, transfer documents, or other acceptable
10 evidence of title, and be accompanied by proof of claims payment
11 from the insurer, evidence that letters were delivered to the
12 vehicle owner, a statement explaining the circumstances by which
13 the property came into the insurer's possession, a description of
14 the property including the year, make, model, vehicle
15 identification number, and current location of the property, and
16 the fee prescribed in subsection 5 of section 301.190. The
17 insurer shall, thirty days prior to making application for title,
18 notify any owners or lienholders of record for the vehicle that
19 the insurer intends to apply for a certificate of title from the
20 director for the vehicle. Upon receipt of the application and
21 supporting documents, the director shall search the records of
22 the department of revenue to verify the name and address of any
23 owners and any lienholders. After thirty days from receipt of
24 the application, if no valid lienholders have notified the
25 department of the existence of a lien, the department shall issue
26 a salvage certificate of title or junking certificate for the
27 vehicle in the name of the insurer.

28 301.227. 1. Whenever a vehicle is sold for salvage,

1 dismantling or rebuilding, the purchaser shall forward to the
2 director of revenue within ten days the certificate of ownership
3 or salvage certificate of title and the proper application and
4 fee of eight dollars and fifty cents, and the director shall
5 issue a negotiable salvage certificate of title to the purchaser
6 of the salvaged vehicle. On vehicles purchased during a year
7 that is no more than six years after the manufacturer's model
8 year designation for such vehicle, it shall be mandatory that the
9 purchaser apply for a salvage title. On vehicles purchased
10 during a year that is more than six years after the
11 manufacturer's model year designation for such vehicle, then
12 application for a salvage title shall be optional on the part of
13 the purchaser. Whenever a vehicle is sold for destruction and a
14 salvage certificate of title, junking certificate, or certificate
15 of ownership exists, the seller, if licensed under sections
16 301.217 to 301.221, shall forward the certificate to the director
17 of revenue within ten days, with the notation of the date sold
18 for destruction and the name of the purchaser clearly shown on
19 the face of the certificate.

20 2. Whenever a vehicle is classified as "junk", as defined
21 in section 301.010, the purchaser may forward to the director of
22 revenue the salvage certificate of title or certificate of
23 ownership and the director shall issue a negotiable junking
24 certificate to the purchaser of the vehicle. The director may
25 also issue a junking certificate to a possessor of a vehicle
26 manufactured twenty-six years or more prior to the current model
27 year who has a bill of sale for said vehicle but does not possess
28 a certificate of ownership, provided no claim of theft has been

1 made on the vehicle and the highway patrol has by letter stated
2 the vehicle is not listed as stolen after checking the
3 registration number through its nationwide computer system. Such
4 certificate may be granted within thirty days of the submission
5 of a request.

6 3. Upon receipt of a properly completed application for a
7 junking certificate, the director of revenue shall issue to the
8 applicant a junking certificate which shall authorize the holder
9 to possess, transport, or, by assignment, transfer ownership in
10 such parts, scrap or junk, and a certificate of title shall not
11 again be issued for such vehicle; except that, the initial
12 purchaser shall, within ninety days, be allowed to rescind his
13 application for a junking certificate by surrendering the junking
14 certificate and apply for a salvage certificate of title in his
15 name. The seller of a vehicle for which a junking certificate
16 has been applied for or issued shall disclose such fact in
17 writing to any prospective buyers before sale of such vehicle;
18 otherwise the sale shall be voidable at the option of the buyer.

19 4. No scrap metal operator shall acquire or purchase a
20 motor vehicle or parts thereof without, at the time of such
21 acquisition, receiving the original certificate of title or
22 salvage certificate of title or junking certificate from the
23 seller of the vehicle or parts, unless the seller is a licensee
24 under sections 301.219 to 301.221.

25 5. All titles and certificates required to be received by
26 scrap metal operators from nonlicensees shall be forwarded by the
27 operator to the director of revenue within ten days of the
28 receipt of the vehicle or parts.

1 6. The scrap metal operator shall keep a record, for three
2 years, of the seller's name and address, the salvage business
3 license number of the licensee, date of purchase, and any vehicle
4 or parts identification numbers open for inspection as provided
5 in section 301.225.

6 7. Notwithstanding any other provision of this section, a
7 motor vehicle dealer as defined in section 301.550 and licensed
8 under the provisions of sections 301.550 to 301.572 may negotiate
9 one reassignment of a salvage certificate of title on the back
10 thereof.

11 8. Notwithstanding the provisions of subsection 1 of this
12 section, an insurance company which settles a claim for a stolen
13 vehicle may apply for and shall be issued a negotiable salvage
14 certificate of title without the payment of any fee upon proper
15 application within thirty days after settlement of the claim for
16 such stolen vehicle. However, if the insurance company upon
17 recovery of a stolen vehicle determines that the stolen vehicle
18 has not sustained damage to the extent that the vehicle would
19 have otherwise been declared a salvage vehicle pursuant to
20 subdivision (51) of section 301.010, then the insurance company
21 may have the vehicle inspected by the Missouri state highway
22 patrol, or other law enforcement agency authorized by the
23 director of revenue, in accordance with the inspection provisions
24 of subsection 9 of section 301.190. Upon receipt of title
25 application, applicable fee, the completed inspection, and the
26 return of any previously issued negotiable salvage certificate,
27 the director shall issue an original title with no salvage or
28 prior salvage designation. Upon the issuance of an original

1 title the director shall remove any indication of the negotiable
2 salvage title previously issued to the insurance company from the
3 department's electronic records.

4 9. Notwithstanding subsection 4 of this section or any
5 other provision of the law to the contrary, if a motor vehicle is
6 inoperable and is at least ten model years old, or the parts are
7 from a motor vehicle that is inoperable and is at least ten model
8 years old, a scrap metal operator may purchase or acquire such
9 motor vehicle or parts without receiving the original certificate
10 of title, salvage certificate of title, or junking certificate
11 from the seller of the vehicle or parts, provided the scrap metal
12 operator verifies with the department of revenue, via the
13 department's online record access, that the motor vehicle is not
14 subject to any recorded security interest or lien and the scrap
15 metal operator complies with the requirements of this subsection.
16 In lieu of forwarding certificates of titles for such motor
17 vehicles as required by subsection 5 of this section, the scrap
18 metal operator shall forward a copy of the seller's state
19 identification along with a bill of sale to the department of
20 revenue. The bill of sale form shall be designed by the director
21 and such form shall include, but not be limited to, a
22 certification that the motor vehicle is at least ten model years
23 old, is inoperable, is not subject to any recorded security
24 interest or lien, and a certification by the seller that the
25 seller has the legal authority to sell or otherwise transfer the
26 seller's interest in the motor vehicle or parts. Upon receipt of
27 the information required by this subsection, the department of
28 revenue shall cancel any certificate of title and registration

1 for the motor vehicle. If the motor vehicle is inoperable and at
2 least twenty model years old, then the scrap metal operator shall
3 not be required to verify with the department of revenue whether
4 the motor vehicle is subject to any recorded security interests
5 or liens. As used in this subsection, the term "inoperable"
6 means a motor vehicle that is in a rusted, wrecked, discarded,
7 worn out, extensively damaged, dismantled, and mechanically
8 inoperative condition and the vehicle's highest and best use is
9 for scrap purposes. The director of the department of revenue is
10 directed to promulgate rules and regulations to implement and
11 administer the provisions of this section, including but not
12 limited to, the development of a uniform bill of sale. Any rule
13 or portion of a rule, as that term is defined in section 536.010
14 that is created under the authority delegated in this section
15 shall become effective only if it complies with and is subject to
16 all of the provisions of chapter 536, and, if applicable, section
17 536.028. This section and chapter 536 are nonseverable and if
18 any of the powers vested with the general assembly pursuant to
19 chapter 536, to review, to delay the effective date, or to
20 disapprove and annul a rule are subsequently held
21 unconstitutional, then the grant of rulemaking authority and any
22 rule proposed or adopted after August 28, 2012, shall be invalid
23 and void.