

SECOND REGULAR SESSION

HOUSE BILL NO. 2061

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SWEARINGEN.

6303L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 301.064, 301.120, 301.130, and 301.144, RSMo, and to enact in lieu thereof four new sections relating to the issuance of state license plates.

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

Section A. Sections 301.064, 301.120, 301.130, and 301.144, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 301.064, 301.120, 301.130,
3 and 301.144, to read as follows:

301.064. 1. The annual registration fee for a land improvement contractors' commercial
2 motor vehicle is three hundred fifty dollars. The maximum gross weight for which such a
3 vehicle may be registered is eighty thousand pounds. Transporting for hire by such a motor
4 vehicle is prohibited.

5 2. Upon application to the director of revenue accompanied by an affidavit signed by the
6 owner or owners stating that the motor vehicle to be licensed as a land improvement contractors'
7 commercial motor vehicle shall not be operated in any manner other than as prescribed in section
8 301.010, and by the amount of the registration fee prescribed [above] **in subsection 1 of this**
9 **section**, and otherwise complying with the laws relating to the registration and licensing of motor
10 vehicles, the owner or owners shall be issued a [set of] **distinctive** land improvement contractors'
11 license [plates. The director of revenue shall by regulation determine the characteristic features
12 of land improvement contractors' license plates so that they] **plate so that it** may be readily
13 identified as such.

301.120. 1. When the owner of a motor vehicle moves the vehicle to another state, [he]
2 **the owner** shall return the license plates to the director of revenue within ninety days or upon
3 the expiration of the period of reciprocity granted by the new state of residence; or if the owner

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.

4 of a motor vehicle ceases to operate the vehicle in Missouri, [he] **the owner** shall return the
5 license plates to the director of revenue within ninety days.

6 **2. For motor vehicles that require the issuance of only one license plate under**
7 **section 301.130 on or after August 28, 2012, an owner whose motor vehicle has a front**
8 **license plate on the effective date of this section shall surrender the front license plate to**
9 **the department of revenue at the next renewal of registration for the motor vehicle.**

301.130. 1. **Beginning August 28, 2012**, the director of revenue, upon receipt of a
2 proper application for registration, required fees and any other information which may be
3 required by law, shall issue to the applicant a certificate of registration in such manner and form
4 as the director of revenue may prescribe and [a set of license plates] **only one license plate**, or
5 other evidence of registration, as provided by this section. Each **license plate or** set of license
6 plates shall bear the name or abbreviated name of this state, the words "SHOW-ME STATE",
7 the month and year in which the registration shall expire, and an arrangement of numbers or
8 letters, or both, as shall be assigned from year to year by the director of revenue. The **plate or**
9 plates shall also contain fully reflective material with a common color scheme and design for
10 each type of license plate issued pursuant to this chapter. The **plate or** plates shall be clearly
11 visible at night, and shall be aesthetically attractive. Special plates for qualified disabled
12 veterans will have the "DISABLED VETERAN" wording on the license plates in preference to
13 the words "SHOW-ME STATE" and special plates for members of the national guard will have
14 the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

15 2. The arrangement of letters and numbers of license plates shall be uniform throughout
16 each classification of registration. The director may provide for the arrangement of the numbers
17 in groups or otherwise, and for other distinguishing marks on the plates.

18 3. All property-carrying commercial motor vehicles to be registered at a gross weight in
19 excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local
20 transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and
21 driveaway vehicles shall be registered with the director of revenue as provided for in subsection
22 3 of section 301.030, or with the state highways and transportation commission as otherwise
23 provided in this chapter, but only one license plate shall be issued for each such vehicle, **except**
24 **as provided in this subsection. The applicant for registration of any property-carrying**
25 **commercial motor vehicle may request and be issued two license plates for such vehicle,**
26 **and if such plates are issued the director of revenue may assess and collect an additional**
27 **charge from the applicant in an amount not to exceed the fee prescribed for personalized**
28 **license plates in subsection 1 of section 301.144.**

29 4. The plates issued to manufacturers and dealers shall bear the letters and numbers as
30 prescribed by section 301.560, and the director may place upon the plates other letters or marks
31 to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

32 5. No motor vehicle or trailer shall be operated on any highway of this state unless it
33 shall have displayed thereon the license plate [or set of license plates] issued by the director of
34 revenue or the state highways and transportation commission and authorized by section 301.140.
35 Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all
36 parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof
37 are not impaired. Each such plate may be encased in a transparent cover so long as the plate is
38 plainly visible and its reflective qualities are not impaired. [License plates] **The license plate**
39 shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors
40 licensed in excess of twelve thousand pounds on the [front and] rear of such vehicles not less
41 than eight nor more than forty-eight inches above the ground, with the letters and numbers
42 thereon right side up. The license plates on trailers, motorcycles, motortricycles and
43 motorscooters shall be displayed on the rear of such vehicles, with the letters and numbers
44 thereon right side up. The license plate on buses, other than school buses, and on trucks, tractors,
45 truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall be displayed
46 on the front of such vehicles not less than eight nor more than forty-eight inches above the
47 ground, with the letters and numbers thereon right side up or if two plates are issued for the
48 vehicle pursuant to subsection 3 of this section, displayed in the same manner on the front and
49 rear of such vehicles. The license plate or plates authorized by section 301.140, when properly
50 attached, shall be prima facie evidence that the required fees have been paid.

51 6. (1) The director of revenue shall issue annually or biennially a tab [or set of tabs] as
52 provided by law as evidence of the annual payment of registration fees and the current
53 registration of a vehicle in lieu of the set of plates. Beginning January 1, 2010, the director may
54 prescribe any additional information recorded on the tab or tabs to ensure that the tab or tabs
55 positively correlate with the license plate or plates issued by the department of revenue for such
56 vehicle. Such tabs shall be produced in each license bureau office.

57 (2) The vehicle owner to whom a tab [or set of tabs] is issued shall affix and display such
58 tab [or tabs] in the designated area of the license plate[, no more than one per plate].

59 (3) A tab [or set of tabs] issued by the director of revenue when attached to a vehicle in
60 the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has
61 been paid.

62 (4) Except as otherwise provided in this section, the director of revenue shall issue plates
63 for a period of at least six years.

64 (5) For those commercial motor vehicles and trailers registered pursuant to section
65 301.041, the plate issued by the highways and transportation commission shall be a permanent
66 nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve
67 the owner of any vehicle permanently registered pursuant to this section from the obligation to
68 pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall
69 be returned to the highways and transportation commission upon the sale or disposal of the
70 vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may
71 be transferred to a replacement commercial motor vehicle when the owner files a supplemental
72 application with the Missouri highways and transportation commission for the registration of
73 such replacement commercial motor vehicle. Upon payment of the annual registration fee, the
74 highways and transportation commission shall issue a certificate of registration or other suitable
75 evidence of payment of the annual fee, and such evidence of payment shall be carried at all times
76 in the vehicle for which it is issued.

77 (6) Upon the sale or disposal of any vehicle permanently registered under this section,
78 or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued
79 for such vehicle shall be returned to the highways and transportation commission and shall not
80 be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle
81 when the owner files a supplemental application with the Missouri highways and transportation
82 commission for the registration of such replacement vehicle. If a vehicle which is permanently
83 registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated,
84 the registrant shall be given credit for any unused portion of the annual registration fee when the
85 vehicle is replaced by the purchase or lease of another vehicle during the registration year.

86 7. The director of revenue and the highways and transportation commission may
87 prescribe rules and regulations for the effective administration of this section. No rule or portion
88 of a rule promulgated under the authority of this section shall become effective unless it has been
89 promulgated pursuant to the provisions of section 536.024.

90 8. Notwithstanding the provisions of any other law to the contrary, owners of motor
91 vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess
92 of eighteen thousand pounds gross weight may apply for special personalized license plates.
93 Vehicles licensed for eighteen thousand pounds that display special personalized license plates
94 shall be subject to the provisions of subsections 1 and 2 of section 301.030.

95 9. No later than January 1, 2009, the director of revenue shall commence the reissuance
96 of new license plates of such design as directed by the director consistent with the terms,
97 conditions, and provisions of this section and this chapter. Except as otherwise provided in this
98 section, in addition to all other fees required by law, applicants for registration of vehicles with
99 license plates that expire during the period of reissuance, applicants for registration of trailers

100 or semitrailers with license plates that expire during the period of reissuance and applicants for
101 registration of vehicles that are to be issued new license plates during the period of reissuance
102 shall pay the cost of the plates required by this subsection. The additional cost prescribed in this
103 subsection shall not be charged to persons receiving special license plates issued under section
104 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131
105 and specialized license plates are exempt from the provisions of this subsection. Except for new,
106 replacement, and transfer applications, permanent nonexpiring license plates issued to
107 commercial motor vehicles and trailers registered under section 301.041 are exempt from the
108 provisions of this subsection.

109 **10. The provisions of this section regarding the issuance of only one license plate**
110 **for a motor vehicle shall apply to the issuance of personalized license plates.**

301.144. 1. The director of revenue shall establish and issue special personalized license
2 plates containing letters or numbers or combinations of letters and numbers. Such license plates
3 shall be made with fully reflective material with a common color scheme and design, shall be
4 clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.
5 Any person desiring to obtain a special personalized license plate for any motor vehicle the
6 person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial
7 motor vehicle licensed in excess of eighteen thousand pounds gross weight shall apply to the
8 director of revenue on a form provided by the director and shall pay a fee of fifteen dollars in
9 addition to the regular registration fees. The director of revenue shall issue rules and regulations
10 setting the standards and establishing the procedure for application for and issuance of the special
11 personalized license plates and shall provide a deadline each year for the applications. Any rule
12 or portion of a rule, as that term is defined in section 536.010, that is created under the authority
13 delegated in this section shall become effective only if it complies with and is subject to all of
14 the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
15 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter
16 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held
17 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
18 August 28, 2001, shall be invalid and void. No two owners shall be issued identical plates. An
19 owner shall make a new application and pay a new fee each year such owner desires to obtain
20 or retain special personalized license plates; however, notwithstanding the provisions of
21 subsection 8 of section 301.130 to the contrary, the director shall allow the special personalized
22 license plates to be replaced with new plates every three years without any additional charge,
23 above the fee established in this section, to the renewal applicant. Any person currently in
24 possession of an approved personalized license plate shall have first priority on that particular
25 plate for each of the following years that timely and appropriate application is made.

26 2. Upon application for a personalized plate by the owner of a motor vehicle for which
27 the owner has no registration plate available for transfer as prescribed by section 301.140, the
28 director shall issue a temporary permit authorizing the operation of the motor vehicle until the
29 personalized plate is issued.

30 3. No personalized license plates shall be issued containing any letters, numbers or
31 combination of letters and numbers which are obscene, profane, patently offensive or
32 contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present
33 an unreasonable danger to the health or safety of the applicant, of other users of streets and
34 highways, or of the public in any location where the vehicle with such a plate may be found. The
35 director may recall any personalized license plates, including those issued prior to August 28,
36 1992, if the director determines that the plates are obscene, profane, patently offensive or
37 contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present
38 an unreasonable danger to the health or safety of the applicant, of other users of streets and
39 highways, or of the public in any location where the vehicle with such a plate may be found.
40 Where the director recalls such plates pursuant to the provisions of this subsection, the director
41 shall reissue personalized license plates to the owner of the motor vehicle for which they were
42 issued at no charge, if the new plates proposed by the owner of the motor vehicle meet the
43 standards established pursuant to this section. The director shall not apply the provisions of this
44 statute in a way that violates the Missouri or United States Constitutions as interpreted by the
45 courts with controlling authority in the state of Missouri. The primary purpose of motor vehicle
46 license plates is to identify motor vehicles. Nothing in the issuance of a personalized license
47 plate creates a designated or limited public forum. Nothing contained in this subsection shall be
48 interpreted to prohibit the use of license plates, which are no longer valid for registration
49 purposes, as collector's items or for decorative purposes.

50 4. The director may also establish categories of special license plates from which license
51 plates may be issued. Any such person, other than a person exempted from the additional fee
52 pursuant to subsection 7 of this section, that desires a personalized special license plate from any
53 such category shall pay the same additional fee and make the same kind of application as that
54 required by subsection 1 of this section, and the director shall issue such plates in the same
55 manner as other personalized special license plates are issued.

56 5. The director of revenue shall issue to residents of the state of Missouri who hold an
57 unrevoked and unexpired official amateur radio license issued by the Federal Communications
58 Commission, upon application and upon payment of the additional fee specified in subsection
59 1 of this section, except for a person exempted from the additional fee pursuant to subsection 7
60 of this section, personalized special license plates bearing the official amateur radio call letters
61 assigned by the Federal Communications Commission to the applicant with the words

62 "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The application shall be
63 accompanied by a statement stating that the applicant has an unrevoked and unexpired amateur
64 radio license issued by the Federal Communications Commission and the official radio call
65 letters assigned by the Federal Communications Commission to the applicant. An owner making
66 a new application and paying a new fee to retain an amateur radio plate may request a
67 replacement plate with the words "AMATEUR RADIO" in place of the words "SHOW-ME
68 STATE". If application is made to retain a plate that is three years old or older, the replacement
69 plate shall be issued upon the payment of required fees.

70 6. Notwithstanding any other provision to the contrary, any business that repossesses
71 motor vehicles or trailers and sells or otherwise disposes of them shall be issued a placard
72 displaying the word "Repossessed", provided such business pays the license fees presently
73 required of a manufacturer, distributor, or dealer in section 301.560. Such placard shall bear a
74 number and shall be in such form as the director of revenue shall determine, and shall be only
75 used for demonstrations when displayed substantially as provided for number plates on the rear
76 of the repossessed motor vehicle or trailer.

77 7. Notwithstanding any provision of law to the contrary, any person who has retired from
78 any branch of the United States armed forces or reserves, the United States Coast Guard or
79 reserve, the United States Merchant Marines or reserve, the National Guard, or any subdivision
80 of any such services shall be exempt from the additional fee required for personalized license
81 plates issued pursuant to section 301.441. As used in this subsection, "retired" means having
82 served twenty or more years in the appropriate branch of service and having received an
83 honorable discharge.

84 **8. The provisions of section 301.130 regarding the issuance of only one license plate**
85 **for a motor vehicle shall apply to personalized license plates issued under this section.**

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