

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 388, Page 13, Section 304.180, Line 151,
2 by inserting immediately after said line the following:

3
4 "301.227. 1. Whenever a vehicle is sold for salvage, dismantling or rebuilding, the
5 purchaser shall forward to the director of revenue within ten days the certificate of ownership or
6 salvage certificate of title and the proper application and fee of eight dollars and fifty cents, and the
7 director shall issue a negotiable salvage certificate of title to the purchaser of the salvaged vehicle.
8 On vehicles purchased during a year that is no more than six years after the manufacturer's model
9 year designation for such vehicle, it shall be mandatory that the purchaser apply for a salvage title.
10 On vehicles purchased during a year that is more than six years after the manufacturer's model year
11 designation for such vehicle, then application for a salvage title shall be optional on the part of the
12 purchaser. Whenever a vehicle is sold for destruction and a salvage certificate of title, junking
13 certificate, or certificate of ownership exists, the seller, if licensed under sections 301.217 to
14 301.221, shall forward the certificate to the director of revenue within ten days, with the notation of
15 the date sold for destruction and the name of the purchaser clearly shown on the face of the
16 certificate.

17 2. Whenever a vehicle is classified as "junk", as defined in section 301.010, the purchaser
18 may forward to the director of revenue the salvage certificate of title or certificate of ownership and
19 the director shall issue a negotiable junking certificate to the purchaser of the vehicle. The director
20 may also issue a junking certificate to a possessor of a vehicle manufactured twenty-six years or
21 more prior to the current model year who has a bill of sale for said vehicle but does not possess a
22 certificate of ownership, provided no claim of theft has been made on the vehicle and the highway
23 patrol has by letter stated the vehicle is not listed as stolen after checking the registration number
24 through its nationwide computer system. Such certificate may be granted within thirty days of the
25 submission of a request.

26 3. Upon receipt of a properly completed application for a junking certificate, the director of
27 revenue shall issue to the applicant a junking certificate which shall authorize the holder to possess,
28 transport, or, by assignment, transfer ownership in such parts, scrap or junk, and a certificate of title
29 shall not again be issued for such vehicle; except that, the initial purchaser shall, within ninety days,
30 be allowed to rescind his application for a junking certificate by surrendering the junking certificate
31 and apply for a salvage certificate of title in his name. The seller of a vehicle for which a junking

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1 certificate has been applied for or issued shall disclose such fact in writing to any prospective buyers
2 before sale of such vehicle; otherwise the sale shall be voidable at the option of the buyer.

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

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

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

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

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

29 9. [Notwithstanding subsection 4 of this section or any other provision of the law to the
30 contrary, if a motor vehicle is inoperable and is at least ten model years old, or the parts are from a
31 motor vehicle that is inoperable and is at least ten model years old, a scrap metal operator may
32 purchase or acquire such motor vehicle or parts without receiving the original certificate of title,
33 salvage certificate of title, or junking certificate from the seller of the vehicle or parts, provided the
34 scrap metal operator verifies with the department of revenue, via the department's online record
35 access, that the motor vehicle is not subject to any recorded security interest or lien and the scrap
36 metal operator complies with the requirements of this subsection. In lieu of forwarding certificates
37 of titles for such motor vehicles as required by subsection 5 of this section, the scrap metal operator
38 shall forward a copy of the seller's state identification along with a bill of sale to the department of
39 revenue. The bill of sale form shall be designed by the director and such form shall include, but not
40 be limited to, a certification that the motor vehicle is at least ten model years old, is inoperable, is not
41 subject to any recorded security interest or lien, and a certification by the seller that the seller has the

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