

FIRST REGULAR SESSION

HOUSE BILL NO. 541

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JOHNSON.

1164H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 301.140, RSMo, and to enact in lieu thereof one new section relating to the registration of a motor vehicle.

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

Section A. Section 301.140, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.140, to read as follows:

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

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

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.

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. The director of the department of revenue shall have authority to produce or allow
34 others to produce a weather resistant, nontearing temporary permit authorizing the operation of
35 a motor vehicle or trailer by a buyer for not more than [thirty] **sixty** days from the date of
36 purchase. The temporary permit authorized under this section may be purchased by the
37 purchaser of a motor vehicle or trailer from the central office of the department of revenue or
38 from an authorized agent of the department of revenue upon proof of purchase of a motor vehicle
39 or trailer for which the buyer has no registration plate available for transfer and upon proof of
40 financial responsibility, or from a motor vehicle dealer upon purchase of a motor vehicle or
41 trailer for which the buyer has no registration plate available for transfer, or from a motor vehicle
42 dealer upon purchase of a motor vehicle or trailer for which the buyer has registered and is
43 awaiting receipt of registration plates. The director of the department of revenue or a producer
44 authorized by the director of the department of revenue may make temporary permits available
45 to registered dealers in this state, authorized agents of the department of revenue or the
46 department of revenue. The price paid by a motor vehicle dealer, an authorized agent of the
47 department of revenue or the department of revenue for a temporary permit shall not exceed five
48 dollars for each permit. The director of the department of revenue shall direct motor vehicle
49 dealers and authorized agents to obtain temporary permits from an authorized producer.
50 Amounts received by the director of the department of revenue for temporary permits shall
51 constitute state revenue; however, amounts received by an authorized producer other than the
52 director of the department of revenue shall not constitute state revenue and any amounts received
53 by motor vehicle dealers or authorized agents for temporary permits purchased from a producer

54 other than the director of the department of revenue shall not constitute state revenue. In no
55 event shall revenues from the general revenue fund or any other state fund be utilized to
56 compensate motor vehicle dealers or other producers for their role in producing temporary
57 permits as authorized under this section. Amounts that do not constitute state revenue under this
58 section shall also not constitute fees for registration or certificates of title to be collected by the
59 director of the department of revenue under section 301.190. No motor vehicle dealer,
60 authorized agent or the department of revenue shall charge more than five dollars for each permit
61 issued. The permit shall be valid for a period of [thirty] **sixty** days from the date of purchase of
62 a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a motor
63 vehicle dealer for which the purchaser obtains a permit as set out above. No permit shall be
64 issued for a vehicle under this section unless the buyer shows proof of financial responsibility.
65 Each temporary permit issued shall be securely fastened to the back or rear of the motor vehicle
66 in a manner and place on the motor vehicle consistent with registration plates so that all parts and
67 qualities of the temporary permit thereof shall be plainly and clearly visible, reasonably clean and
68 are not impaired in any way.

69 5. The permit shall be issued on a form prescribed by the director of the department of
70 revenue and issued only for the applicant's temporary operation of the motor vehicle or trailer
71 purchased to enable the applicant to temporarily operate the motor vehicle while proper title and
72 registration plates are being obtained, or while awaiting receipt of registration plates, and shall
73 be displayed on no other motor vehicle. Temporary permits issued pursuant to this section shall
74 not be transferable or renewable and shall not be valid upon issuance of proper registration plates
75 for the motor vehicle or trailer. The director of the department of revenue shall determine the
76 size, material, design, numbering configuration, construction, and color of the permit. The
77 director of the department of revenue, at his or her discretion, shall have the authority to reissue,
78 and thereby extend the use of, a temporary permit previously and legally issued for a motor
79 vehicle or trailer while proper title and registration are being obtained.

80 6. Every motor vehicle dealer that issues temporary permits shall keep, for inspection
81 by proper officers, an accurate record of each permit issued by recording the permit number, the
82 motor vehicle dealer's number, buyer's name and address, the motor vehicle's year, make, and
83 manufacturer's vehicle identification number, and the permit's date of issuance and expiration
84 date. Upon the issuance of a temporary permit by either the central office of the department of
85 revenue, a motor vehicle dealer or an authorized agent of the department of revenue, the director
86 of the department of revenue shall make the information associated with the issued temporary
87 permit immediately available to the law enforcement community of the state of Missouri.

88 7. Upon the transfer of ownership of any currently registered motor vehicle wherein the
89 owner cannot transfer the license plates due to a change of motor vehicle category, the owner

90 may surrender the license plates issued to the motor vehicle and receive credit for any unused
91 portion of the original registration fee against the registration fee of another motor vehicle. Such
92 credit shall be granted based upon the date the license plates are surrendered. No refunds shall
93 be made on the unused portion of any license plates surrendered for such credit.

94 8. The provisions of subsections 4, 5, and 6 of this section shall expire July 1, 2019.

95 9. An additional temporary license plate produced in a manner and of materials
96 determined by the director to be the most cost-effective means of production with a configuration
97 that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be
98 placed in the interior of the vehicle's rear window such that the driver's view out of the rear
99 window is not obstructed and the plate configuration is clearly visible from the outside of the
100 vehicle to serve as the visible plate when a bicycle rack or other item obstructs the view of the
101 actual plate. Such temporary plate is only authorized for use when the matching actual plate is
102 affixed to the vehicle in the manner prescribed in subsection 5 of section 301.130. The fee
103 charged for the temporary plate shall be equal to the fee charged for a temporary permit issued
104 under subsection 4 of this section. Replacement temporary plates authorized in this subsection
105 may be issued as needed upon the payment of a fee equal to the fee charged for a temporary
106 permit under subsection 4 of this section. The newly produced third plate may only be used on
107 the vehicle with the matching plate, and the additional plate shall be clearly recognizable as a
108 third plate and only used for the purpose specified in this subsection.

109 10. Notwithstanding the provisions of section [301.127] **301.217**, the director may issue
110 a temporary permit to an individual who possesses a salvage motor vehicle which requires an
111 inspection under subsection 9 of section 301.190. The operation of a salvage motor vehicle for
112 which the permit has been issued shall be limited to the most direct route from the residence,
113 maintenance, or storage facility of the individual in possession of such motor vehicle to the
114 nearest authorized inspection facility and return to the originating location. Notwithstanding any
115 other requirements for the issuance of a temporary permit under this section, an individual
116 obtaining a temporary permit for the purpose of operating a motor vehicle to and from an
117 examination facility as prescribed in this subsection shall also purchase the required motor
118 vehicle examination form which is required to be completed for an examination under subsection
119 9 of section 301.190 and provide satisfactory evidence that such vehicle has passed a motor
120 vehicle safety inspection for such vehicle as required in section 307.350.

121 11. The director of the department of revenue may promulgate all necessary rules and
122 regulations for the administration of this section. Any rule or portion of a rule, as that term is
123 defined in section 536.010, that is created under the authority delegated in this section shall
124 become effective only if it complies with and is subject to all of the provisions of chapter 536
125 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of

126 the powers vested with the general assembly pursuant to chapter 536 to review, to delay the
127 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
128 grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be
129 invalid and void.

130 12. The repeal and reenactment of this section shall become effective on the date the
131 department of revenue or a producer authorized by the director of the department of revenue
132 begins producing temporary permits described in subsection 4 of such section, or on July 1,
133 2013, whichever occurs first. If the director of revenue or a producer authorized by the director
134 of the department of revenue begins producing temporary permits prior to July 1, 2013, the
135 director of the department of revenue shall notify the revisor of statutes of such fact.

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