

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 278
98TH GENERAL ASSEMBLY

1427H.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 301.010, 301.067, 301.130, 301.140, 301.190, 301.196, 301.227, 301.562, and 407.581, RSMo, and to enact in lieu thereof ten new sections relating to motor vehicles.

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

Section A. Sections 301.010, 301.067, 301.130, 301.140, 301.190, 301.196, 301.227,
2 301.562, and 407.581, RSMo, are repealed and ten new sections enacted in lieu thereof, to be
3 known as sections 301.010, 301.067, 301.130, 301.140, 301.190, 301.196, 301.213, 301.227,
4 301.562, and 301.645, to read as follows:

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260,
2 and sections 307.010 to 307.175, the following terms mean:

- 3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
4 off-highway use which is fifty inches or less in width, with an unladen dry weight of one
5 thousand five hundred pounds or less, traveling on three, four or more nonhighway tires;
6 (2) "Automobile transporter", any vehicle combination designed and used specifically
7 for the transport of assembled motor vehicles;
8 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are
9 included between two parallel transverse vertical planes forty inches apart, extending across the
10 full width of the vehicle;
11 (4) "Boat transporter", any vehicle combination designed and used specifically to
12 transport assembled boats and boat hulls;

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.

13 (5) "Body shop", a business that repairs physical damage on motor vehicles that are not
14 owned by the shop or its officers or employees by mending, straightening, replacing body parts,
15 or painting;

16 (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more
17 passengers but not including shuttle buses;

18 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying
19 freight and merchandise, or more than eight passengers but not including vanpools or shuttle
20 buses;

21 (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at
22 speeds less than forty miles per hour from field to field or from field to market and return;

23 (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in
24 the sale or exchange of new, used or reconstructed motor vehicles or trailers;

25 (10) "Director" or "director of revenue", the director of the department of revenue;

26 (11) "Driveaway operation":

27 (a) The movement of a motor vehicle or trailer by any person or motor carrier other than
28 a dealer over any public highway, under its own power singly, or in a fixed combination of two
29 or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

30 (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting
31 the commodity being transported, by a person engaged in the business of furnishing drivers and
32 operators for the purpose of transporting vehicles in transit from one place to another by the
33 driveaway or towaway methods; or

34 (c) The movement of a motor vehicle by any person who is lawfully engaged in the
35 business of transporting or delivering vehicles that are not the person's own and vehicles of a
36 type otherwise required to be registered, by the driveaway or towaway methods, from a point of
37 manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent
38 of a manufacturer or to any consignee designated by the shipper or consignor;

39 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
40 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor
41 equipped with a dromedary may carry part of a load when operating independently or in a
42 combination with a semitrailer;

43 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

44 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;

45 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

46 (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last
47 vehicle in a saddlemount combination;

48 (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus
49 the weight of any load thereon;

50 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the
51 result of the impact of hail;

52 (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads
53 and public streets, avenues, boulevards, parkways or alleys in any municipality;

54 (20) "Improved highway", a highway which has been paved with gravel, macadam,
55 concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

56 (21) "Intersecting highway", any highway which joins another, whether or not it crosses
57 the same;

58 (22) "Junk vehicle", a vehicle which:

59 (a) Is incapable of operation or use upon the highways and has no resale value except
60 as a source of parts or scrap[, and shall not be titled or registered]; **or**

61 (b) **Has been designated as junk or a substantially equivalent designation by this**
62 **state or any other state;**

63 (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally
64 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from
65 an authorized manufacturer and accompanied by a manufacturer's statement of origin;

66 (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire
67 commercial motor vehicle the operation of which is confined to:

68 (a) An area that extends not more than a radius of one hundred miles from its home base
69 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or
70 from projects involving soil and water conservation, or to and from equipment dealers'
71 maintenance facilities for maintenance purposes; or

72 (b) An area that extends not more than a radius of fifty miles from its home base of
73 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from
74 projects not involving soil and water conservation. Nothing in this subdivision shall be
75 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or
76 local commercial motor vehicle;

77 (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations
78 are confined solely to a municipality and that area extending not more than fifty miles therefrom,
79 or a commercial motor vehicle whose property-carrying operations are confined solely to the
80 transportation of property owned by any person who is the owner or operator of such vehicle to
81 or from a farm owned by such person or under the person's control by virtue of a landlord and
82 tenant lease; provided that any such property transported to any such farm is for use in the
83 operation of such farm;

84 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this
85 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
86 state, used to transport harvested forest products, operated solely at a forested site and in an area
87 extending not more than a one hundred-mile radius from such site, carries a load with
88 dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when
89 operated on the national system of interstate and defense highways described in Title 23, Section
90 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section
91 304.180, does not have more than four axles, and does not pull a trailer which has more than two
92 axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting,
93 debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local
94 log truck. A local log truck may not exceed the limits required by law, however, if the truck does
95 exceed such limits as determined by the inspecting officer, then notwithstanding any other
96 provisions of law to the contrary, such truck shall be subject to the weight limits required by such
97 sections as licensed for eighty thousand pounds;

98 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this
99 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
100 state, used to transport harvested forest products, operated solely at a forested site and in an area
101 extending not more than a one hundred-mile radius from such site, operates with a weight not
102 exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding
103 forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national
104 system of interstate and defense highways described in Title 23, Section 103(e) of the United
105 States Code, such vehicle does not exceed the weight limits contained in section 304.180, and
106 does not have more than three axles and does not pull a trailer which has more than two axles.
107 Violations of axle weight limitations shall be subject to the load limit penalty as described for
108 in sections 304.180 to 304.220;

109 (28) "Local transit bus", a bus whose operations are confined wholly within a municipal
110 corporation, or wholly within a municipal corporation and a commercial zone, as defined in
111 section 390.020, adjacent thereto, forming a part of a public transportation system within such
112 municipal corporation and such municipal corporation and adjacent commercial zone;

113 (29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and
114 is used exclusively to transport harvested forest products to and from forested sites which is
115 registered pursuant to this chapter to operate as a motor vehicle on the public highways of this
116 state for the transportation of harvested forest products;

117 (30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly,
118 and front clip, as those terms are defined by the director of revenue pursuant to rules and
119 regulations or by illustrations;

- 120 (31) "Manufacturer", any person, firm, corporation or association engaged in the
121 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;
- 122 (32) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
123 receives a new, rebuilt or used engine, and which used the number stamped on the original
124 engine as the vehicle identification number;
- 125 (33) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
126 except farm tractors;
- 127 (34) "Motor vehicle primarily for business use", any vehicle other than a recreational
128 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
129 twelve thousand pounds:
- 130 (a) Offered for hire or lease; or
131 (b) The owner of which also owns ten or more such motor vehicles;
- 132 (35) "Motorcycle", a motor vehicle operated on two wheels;
- 133 (36) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic
134 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which
135 produces less than three gross brake horsepower, and is capable of propelling the device at a
136 maximum speed of not more than thirty miles per hour on level ground;
- 137 (37) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
138 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.
139 A motortricycle shall not be included in the definition of all-terrain vehicle;
- 140 (38) "Municipality", any city, town or village, whether incorporated or not;
- 141 (39) "Nonresident", a resident of a state or country other than the state of Missouri;
- 142 (40) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in
143 compliance with United States emissions or safety standards;
- 144 (41) "Operator", any person who operates or drives a motor vehicle;
- 145 (42) "Owner", any person, firm, corporation or association, who holds the legal title to
146 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease
147 thereof with the right of purchase upon performance of the conditions stated in the agreement
148 and with an immediate right of possession vested in the conditional vendee or lessee, or in the
149 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee
150 or mortgagor shall be deemed the owner for the purpose of this law;
- 151 (43) "Public garage", a place of business where motor vehicles are housed, stored,
152 repaired, reconstructed or repainted for persons other than the owners or operators of such place
153 of business;
- 154 (44) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
155 rebuilder, but does not include certificated common or contract carriers of persons or property;

156 (45) "Reconstructed motor vehicle", a vehicle that is altered from its original
157 construction by the addition or substitution of two or more new or used major component parts,
158 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

159 (46) "Recreational motor vehicle", any motor vehicle designed, constructed or
160 substantially modified so that it may be used and is used for the purposes of temporary housing
161 quarters, including therein sleeping and eating facilities which are either permanently attached
162 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
163 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
164 vehicle if the motor vehicle could otherwise be so registered;

165 (47) "Recreational off-highway vehicle", any motorized vehicle manufactured and used
166 exclusively for off-highway use which is more than fifty inches but no more than sixty-seven
167 inches in width, with an unladen dry weight of two thousand pounds or less, traveling on four
168 or more nonhighway tires and which may have access to ATV trails;

169 (48) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,
170 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a
171 wrecker or towing service;

172 (49) "Saddlemount combination", a combination of vehicles in which a truck or truck
173 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth
174 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of
175 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth
176 wheel kingpin connection. When two vehicles are towed in this manner the combination is
177 called a "double saddlemount combination". When three vehicles are towed in this manner, the
178 combination is called a "triple saddlemount combination";

179 (50) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for
180 the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

181 (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

182 (a) Was damaged during a year that is no more than six years after the manufacturer's
183 model year designation for such vehicle to the extent that the total cost of repairs to rebuild or
184 reconstruct the vehicle to its condition immediately before it was damaged for legal operation
185 on the roads or highways exceeds eighty percent of the fair market value of the vehicle
186 immediately preceding the time it was damaged;

187 (b) By reason of condition or circumstance, has been declared salvage, either by its
188 owner, or by a person, firm, corporation, or other legal entity exercising the right of security
189 interest in it;

190 (c) Has been declared salvage by an insurance company as a result of settlement of a
191 claim;

- 192 (d) Ownership of which is evidenced by a salvage title; or
- 193 (e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157
194 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild
195 or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling
196 inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on
197 parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair
198 market value" means the retail value of a motor vehicle as:
- 199 a. Set forth in a current edition of any nationally recognized compilation of retail values,
200 including automated databases, or from publications commonly used by the automotive and
201 insurance industries to establish the values of motor vehicles;
- 202 b. Determined pursuant to a market survey of comparable vehicles with regard to
203 condition and equipment; and
- 204 c. Determined by an insurance company using any other procedure recognized by the
205 insurance industry, including market surveys, that is applied by the company in a uniform
206 manner;
- 207 (52) "School bus", any motor vehicle used solely to transport students to or from school
208 or to transport students to or from any place for educational purposes;
- 209 (53) "Scrap processor", a business that, through the use of fixed or mobile equipment,
210 flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing or
211 transportation to a shredder or scrap metal operator for recycling;
- 212 (54) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
213 corporation as an incidental service to transport patrons or customers of the regular business of
214 such person, firm, or corporation to and from the place of business of the person, firm, or
215 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
216 buses or as commercial motor vehicles;
- 217 (55) "Special mobile equipment", every self-propelled vehicle not designed or used
218 primarily for the transportation of persons or property and incidentally operated or moved over
219 the highways, including farm equipment, implements of husbandry, road construction or
220 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,
221 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
222 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
223 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
224 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and
225 shall not operate to exclude other such vehicles which are within the general terms of this
226 section;

227 (56) "Specially constructed motor vehicle", a motor vehicle which shall not have been
228 originally constructed under a distinctive name, make, model or type by a manufacturer of motor
229 vehicles. The term specially constructed motor vehicle includes kit vehicles;

230 (57) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel
231 is located on a drop frame located behind and below the rearmost axle of the power unit;

232 (58) "Tandem axle", a group of two or more axles, arranged one behind another, the
233 distance between the extremes of which is more than forty inches and not more than ninety-six
234 inches apart;

235 (59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed
236 for drawing other vehicles, but not for the carriage of any load when operating independently.
237 When attached to a semitrailer, it supports a part of the weight thereof;

238 (60) "Trailer", any vehicle without motive power designed for carrying property or
239 passengers on its own structure and for being drawn by a self-propelled vehicle, except those
240 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
241 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
242 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton
243 trailers as defined in subdivision (8) of this section and shall not include manufactured homes
244 as defined in section 700.010;

245 (61) "Truck", a motor vehicle designed, used, or maintained for the transportation of
246 property;

247 (62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two
248 trailing units are connected with a B-train assembly which is a rigid frame extension attached to
249 the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second
250 semitrailer and has one less articulation point than the conventional A-dolly connected
251 truck-tractor semitrailer-trailer combination;

252 (63) "Truck-trailer boat transporter combination", a boat transporter combination
253 consisting of a straight truck towing a trailer using typically a ball and socket connection with
254 the trailer axle located substantially at the trailer center of gravity rather than the rear of the
255 trailer but so as to maintain a downward force on the trailer tongue;

256 (64) "Used parts dealer", a business that buys and sells used motor vehicle parts or
257 accessories, but not including a business that sells only new, remanufactured or rebuilt parts.
258 "Business" does not include isolated sales at a swap meet of less than three days;

259 (65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for
260 off-highway use which is more than fifty inches but no more than sixty-seven inches in width,
261 with an unladen dry weight of two thousand pounds or less, traveling on four or six wheels, to
262 be used primarily for landscaping, lawn care, or maintenance purposes;

263 (66) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
264 firm, corporation, association, city, county or state agency, or any member thereof, for the
265 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
266 and from their place of employment; however, a vanpool shall not be included in the definition
267 of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this
268 section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section
269 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal,
270 or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary
271 profit other than for use in a ride-sharing arrangement;

272 (67) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,
273 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,
274 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs
275 operated by handicapped persons;

276 (68) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed
277 and used to assist or render aid and transport or tow disabled or wrecked vehicles from a
278 highway, road, street or highway rights-of-way to a point of storage or repair, including towing
279 a replacement vehicle to replace a disabled or wrecked vehicle;

280 (69) "Wrecker or towing service", the act of transporting, towing or recovering with a
281 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,
282 tow truck, rollback or car carrier for which the operator directly or indirectly receives
283 compensation or other personal gain.

301.067. 1. For each trailer or semitrailer there shall be paid an annual fee of seven
2 dollars fifty cents, and in addition thereto such permit fee authorized by law against trailers used
3 in combination with tractors operated under the supervision of the [motor carrier and railroad
4 safety division] **highways and transportation commission** of the department of [economic
5 development] **transportation**. The fees for tractors used in any combination with trailers or
6 semitrailers or both trailers and semitrailers (other than on passenger-carrying trailers or
7 semitrailers) shall be computed on the total gross weight of the vehicles in the combination with
8 load.

9 2. Any trailer or semitrailer may at the option of the registrant be registered for a period
10 of three years upon payment of a registration fee of twenty-two dollars and fifty cents.

11 3. Any trailer as defined in section 301.010 or semitrailer [which is operated coupled to
12 a towing vehicle by a fifth wheel and kingpin assembly or by a trailer converter dolly] may, at
13 the option of the registrant, be registered permanently upon the payment of a registration fee of
14 fifty-two dollars and fifty cents. The permanent plate and registration fee is vehicle specific.

15 The plate and the registration fee paid is nontransferable and nonrefundable, except those
16 covered under the provisions of section 301.442.

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

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

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

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

33 5. No motor vehicle or trailer shall be operated on any highway of this state unless it
34 shall have displayed thereon the license plate or set of license plates issued by the director of

35 revenue or the state highways and transportation commission and authorized by section 301.140.
36 Each such plate shall be securely fastened to the motor vehicle or trailer in a manner so that all
37 parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof
38 are not impaired. Each such plate may be encased in a transparent cover so long as the plate is
39 plainly visible and its reflective qualities are not impaired. License plates shall be fastened to
40 all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of
41 twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than
42 forty-eight inches above the ground, with the letters and numbers thereon right side up. The
43 license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on
44 the rear of such vehicles, [with the letters and numbers thereon right side up] **and may be**
45 **mounted with the letters and numbers thereon right side up or mounted vertically on the**
46 **left rear of such motor vehicles so long as the plate is plainly visible.** The license plate on
47 buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed
48 in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than
49 eight nor more than forty-eight inches above the ground, with the letters and numbers thereon
50 right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section,
51 displayed in the same manner on the front and rear of such vehicles. The license plate or plates
52 authorized by section 301.140, when properly attached, shall be prima facie evidence that the
53 required fees have been paid.

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

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

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

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

67 (5) For those commercial motor vehicles and trailers registered pursuant to section
68 301.041, the plate issued by the highways and transportation commission shall be a permanent
69 nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve
70 the owner of any vehicle permanently registered pursuant to this section from the obligation to

71 pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall
72 be returned to the highways and transportation commission upon the sale or disposal of the
73 vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may
74 be transferred to a replacement commercial motor vehicle when the owner files a supplemental
75 application with the Missouri highways and transportation commission for the registration of
76 such replacement commercial motor vehicle. Upon payment of the annual registration fee, the
77 highways and transportation commission shall issue a certificate of registration or other suitable
78 evidence of payment of the annual fee, and such evidence of payment shall be carried at all times
79 in the vehicle for which it is issued.

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

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

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

98 9. No later than January 1, 2009, the director of revenue shall commence the reissuance
99 of new license plates of such design as directed by the director consistent with the terms,
100 conditions, and provisions of this section and this chapter. Except as otherwise provided in this
101 section, in addition to all other fees required by law, applicants for registration of vehicles with
102 license plates that expire during the period of reissuance, applicants for registration of trailers
103 or semitrailers with license plates that expire during the period of reissuance and applicants for
104 registration of vehicles that are to be issued new license plates during the period of reissuance
105 shall pay the cost of the plates required by this subsection. The additional cost prescribed in this
106 subsection shall not be charged to persons receiving special license plates issued under section

107 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to section 301.131
108 and specialized license plates are exempt from the provisions of this subsection. Except for new,
109 replacement, and transfer applications, permanent nonexpiring license plates issued to
110 commercial motor vehicles and trailers registered under section 301.041 are exempt from the
111 provisions of this subsection.

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, **or no more than ninety days if the dealer**
10 **is selling the motor vehicle under the provisions of section 301.213.** As used in this
11 subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or
12 trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates
13 for the trade-in motor vehicle or trailer are still valid.

14 2. In the case of a transfer of ownership the original owner may register another motor
15 vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle
16 is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle)
17 seating capacity, not in excess of that originally registered. When such motor vehicle is of
18 greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor
19 vehicle) seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee
20 of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less
21 horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating
22 capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

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

32 motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be
33 entitled to a refund.

34 4. The director of the department of revenue shall have authority to produce or allow
35 others to produce a weather resistant, nontearing temporary permit authorizing the operation of
36 a motor vehicle or trailer by a buyer for not more than thirty days, **or no more than ninety days**
37 **if issued by a dealer selling the motor vehicle under the provisions of section 301.213**, from
38 the date of purchase. The temporary permit authorized under this section may be purchased by
39 the purchaser of a motor vehicle or trailer from the central office of the department of revenue
40 or from an authorized agent of the department of revenue upon proof of purchase of a motor
41 vehicle or trailer for which the buyer has no registration plate available for transfer and upon
42 proof of financial responsibility, or from a motor vehicle dealer upon purchase of a motor vehicle
43 or trailer for which the buyer has no registration plate available for transfer, or from a motor
44 vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has registered and
45 is awaiting receipt of registration plates. The director of the department of revenue or a producer
46 authorized by the director of the department of revenue may make temporary permits available
47 to registered dealers in this state, authorized agents of the department of revenue or the
48 department of revenue. The price paid by a motor vehicle dealer, an authorized agent of the
49 department of revenue or the department of revenue for a temporary permit shall not exceed five
50 dollars for each permit. The director of the department of revenue shall direct motor vehicle
51 dealers and authorized agents to obtain temporary permits from an authorized producer.
52 Amounts received by the director of the department of revenue for temporary permits shall
53 constitute state revenue; however, amounts received by an authorized producer other than the
54 director of the department of revenue shall not constitute state revenue and any amounts received
55 by motor vehicle dealers or authorized agents for temporary permits purchased from a producer
56 other than the director of the department of revenue shall not constitute state revenue. In no
57 event shall revenues from the general revenue fund or any other state fund be utilized to
58 compensate motor vehicle dealers or other producers for their role in producing temporary
59 permits as authorized under this section. Amounts that do not constitute state revenue under this
60 section shall also not constitute fees for registration or certificates of title to be collected by the
61 director of the department of revenue under section 301.190. No motor vehicle dealer,
62 authorized agent or the department of revenue shall charge more than five dollars for each permit
63 issued. The permit shall be valid for a period of thirty days, **or no more than ninety days if**
64 **issued by a dealer selling the motor vehicle under the provisions of section 301.213**, from
65 the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle
66 or trailer by a motor vehicle dealer for which the purchaser obtains a permit as set out above.
67 No permit shall be issued for a vehicle under this section unless the buyer shows proof of

68 financial responsibility. Each temporary permit issued shall be securely fastened to the back or
69 rear of the motor vehicle in a manner and place on the motor vehicle consistent with registration
70 plates so that all parts and qualities of the temporary permit thereof shall be plainly and clearly
71 visible, reasonably clean and are not impaired in any way.

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

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

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

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

98 9. An additional temporary license plate produced in a manner and of materials
99 determined by the director to be the most cost-effective means of production with a configuration
100 that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be
101 placed in the interior of the vehicle's rear window such that the driver's view out of the rear
102 window is not obstructed and the plate configuration is clearly visible from the outside of the
103 vehicle to serve as the visible plate when a bicycle rack or other item obstructs the view of the

104 actual plate. Such temporary plate is only authorized for use when the matching actual plate is
105 affixed to the vehicle in the manner prescribed in subsection 5 of section 301.130. The fee
106 charged for the temporary plate shall be equal to the fee charged for a temporary permit issued
107 under subsection 4 of this section. Replacement temporary plates authorized in this subsection
108 may be issued as needed upon the payment of a fee equal to the fee charged for a temporary
109 permit under subsection 4 of this section. The newly produced third plate may only be used on
110 the vehicle with the matching plate, and the additional plate shall be clearly recognizable as a
111 third plate and only used for the purpose specified in this subsection.

112 10. Notwithstanding the provisions of section 301.127, the director may issue a
113 temporary permit to an individual who possesses a salvage motor vehicle which requires an
114 inspection under subsection 9 of section 301.190. The operation of a salvage motor vehicle for
115 which the permit has been issued shall be limited to the most direct route from the residence,
116 maintenance, or storage facility of the individual in possession of such motor vehicle to the
117 nearest authorized inspection facility and return to the originating location. Notwithstanding any
118 other requirements for the issuance of a temporary permit under this section, an individual
119 obtaining a temporary permit for the purpose of operating a motor vehicle to and from an
120 examination facility as prescribed in this subsection shall also purchase the required motor
121 vehicle examination form which is required to be completed for an examination under subsection
122 9 of section 301.190 and provide satisfactory evidence that such vehicle has passed a motor
123 vehicle safety inspection for such vehicle as required in section 307.350.

124 11. The director of the department of revenue may promulgate all necessary rules and
125 regulations for the administration of this section. Any rule or portion of a rule, as that term is
126 defined in section 536.010, that is created under the authority delegated in this section shall
127 become effective only if it complies with and is subject to all of the provisions of chapter 536
128 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of
129 the powers vested with the general assembly pursuant to chapter 536 to review, to delay the
130 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
131 grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be
132 invalid and void.

133 12. The repeal and reenactment of this section shall become effective on the date the
134 department of revenue or a producer authorized by the director of the department of revenue
135 begins producing temporary permits described in subsection 4 of such section, or on July 1,
136 2013, whichever occurs first. If the director of revenue or a producer authorized by the director
137 of the department of revenue begins producing temporary permits prior to July 1, 2013, the
138 director of the department of revenue shall notify the revisor of statutes of such fact.

301.190. 1. No certificate of registration of any motor vehicle or trailer, or number plate
2 therefor, shall be issued by the director of revenue unless the applicant therefor shall make
3 application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall
4 present satisfactory evidence that such certificate has been previously issued to the applicant for
5 such motor vehicle or trailer. Application shall be made within thirty days after the applicant
6 acquires the motor vehicle or trailer, **unless the motor vehicle was acquired under section**
7 **301.213 in which case the applicant shall make application within thirty days after**
8 **receiving title from the dealer**, upon a blank form furnished by the director of revenue and shall
9 contain the applicant's identification number, a full description of the motor vehicle or trailer,
10 the vehicle identification number, and the mileage registered on the odometer at the time of
11 transfer of ownership, as required by section 407.536, together with a statement of the applicant's
12 source of title and of any liens or encumbrances on the motor vehicle or trailer, provided that for
13 good cause shown the director of revenue may extend the period of time for making such
14 application. When an owner wants to add or delete a name or names on an application for
15 certificate of ownership of a motor vehicle or trailer that would cause it to be inconsistent with
16 the name or names listed on the notice of lien, the owner shall provide the director with
17 documentation evidencing the lienholder's authorization to add or delete a name or names on an
18 application for certificate of ownership.

19 2. The director of revenue shall use reasonable diligence in ascertaining whether the facts
20 stated in such application are true and shall, to the extent possible without substantially delaying
21 processing of the application, review any odometer information pertaining to such motor vehicle
22 that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of
23 such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the
24 director shall thereupon issue an appropriate certificate over his signature and sealed with the
25 seal of his office, procured and used for such purpose. The certificate shall contain on its face
26 a complete description, vehicle identification number, and other evidence of identification of the
27 motor vehicle or trailer, as the director of revenue may deem necessary, together with the
28 odometer information required to be put on the face of the certificate pursuant to section
29 407.536, a statement of any liens or encumbrances which the application may show to be
30 thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing the
31 transferor's title and whether the transferor's odometer mileage statement executed pursuant to
32 section 407.536 indicated that the true mileage is materially different from the number of miles
33 shown on the odometer, or is unknown.

34 3. The director of revenue shall appropriately designate on the current and all subsequent
35 issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle",
36 "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section

37 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for
38 motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print
39 on the face thereof the following designation: "Annual odometer updates may be available from
40 the department of revenue.". On any duplicate certificate, the director of revenue shall reprint
41 on the face thereof the most recent of either:

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

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

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

52 5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in
53 addition to the fee for registration of such motor vehicle or trailer. If application for the
54 certificate is not made within thirty days after the vehicle is acquired by the applicant, **or where**
55 **the motor vehicle was acquired under section 301.213 and the applicant fails to make**
56 **application within thirty days after receiving title from the dealer**, a delinquency penalty fee
57 of twenty-five dollars for the first thirty days of delinquency and twenty-five dollars for each
58 thirty days of delinquency thereafter, not to exceed a total of two hundred dollars, but such
59 penalty may be waived by the director for a good cause shown. If the director of revenue learns
60 that any person has failed to obtain a certificate within thirty days after acquiring a motor vehicle
61 or trailer, **or where the motor vehicle was acquired under section 301.213 and the applicant**
62 **fails to make application within thirty days after receiving title from the dealer**, or has sold
63 a vehicle without obtaining a certificate, he shall cancel the registration of all vehicles registered
64 in the name of the person, either as sole owner or as a co-owner, and shall notify the person that
65 the cancellation will remain in force until the person pays the delinquency penalty fee provided
66 in this section, together with all fees, charges and payments which the person should have paid
67 in connection with the certificate of ownership and registration of the vehicle. The certificate
68 shall be good for the life of the motor vehicle or trailer so long as the same is owned or held by
69 the original holder of the certificate and shall not have to be renewed annually.

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

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

76 8. Before an original Missouri certificate of ownership is issued, an inspection of the
77 vehicle and a verification of vehicle identification numbers shall be made by the Missouri state
78 highway patrol on vehicles for which there is a current title issued by another state if a Missouri
79 salvage certificate of title has been issued for the same vehicle but no prior inspection and
80 verification has been made in this state, except that if such vehicle has been inspected in another
81 state by a law enforcement officer in a manner comparable to the inspection process in this state
82 and the vehicle identification numbers have been so verified, the applicant shall not be liable for
83 the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle
84 identification number verification to the director of revenue at the time of the application. The
85 applicant, who has such a title for a vehicle on which no prior inspection and verification have
86 been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable
87 to the director of revenue at the time of the request for the application, which shall be deposited
88 in the state treasury to the credit of the state highways and transportation department fund.

89 9. Each application for an original Missouri certificate of ownership for a vehicle which
90 is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle,
91 motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director
92 of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state
93 highway patrol, or other law enforcement agency as authorized by the director of revenue. The
94 vehicle examination shall include a verification of vehicle identification numbers and a
95 determination of the classification of the vehicle. The owner of a vehicle which requires a
96 vehicle examination certificate shall present the vehicle for examination and obtain a completed
97 vehicle examination certificate prior to submitting an application for a certificate of ownership
98 to the director of revenue. Notwithstanding any provision of the law to the contrary, an owner
99 presenting a motor vehicle which has been issued a salvage title and which is ten years of age
100 or older to a vehicle examination described in this subsection in order to obtain a certificate of
101 ownership with the designation prior salvage motor vehicle shall not be required to repair or
102 restore the vehicle to its original appearance in order to pass or complete the vehicle
103 examination. The fee for the vehicle examination application shall be twenty-five dollars and
104 shall be collected by the director of revenue at the time of the request for the application and
105 shall be deposited in the state treasury to the credit of the state highways and transportation
106 department fund. If the vehicle is also to be registered in Missouri, the safety inspection required
107 in chapter 307 and the emissions inspection required under chapter 643 shall be completed and
108 the fees required by section 307.365 and section 643.315 shall be charged to the owner.

109 10. When an application is made for an original Missouri certificate of ownership for a
110 motor vehicle previously registered or titled in a state other than Missouri or as required by
111 section 301.020, it shall be accompanied by a current inspection form certified by a duly
112 authorized official inspection station as described in chapter 307. The completed form shall
113 certify that the manufacturer's identification number for the vehicle has been inspected, that it
114 is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the
115 time of inspection. The inspection station shall collect the same fee as authorized in section
116 307.365 for making the inspection, and the fee shall be deposited in the same manner as provided
117 in section 307.365. If the vehicle is also to be registered in Missouri, the safety inspection
118 required in chapter 307 and the emissions inspection required under chapter 643 shall be
119 completed and only the fees required by section 307.365 and section 643.315 shall be charged
120 to the owner. This section shall not apply to vehicles being transferred on a manufacturer's
121 statement of origin.

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

129 12. When an application is made for an original Missouri certificate of ownership for a
130 motor vehicle previously registered or titled in a state other than Missouri, and the certificate of
131 ownership has been appropriately designated by the issuing state as a reconstructed motor
132 vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the
133 director of revenue shall appropriately designate on the current Missouri and all subsequent
134 issues of the certificate of ownership the name of the issuing state and such prior designation.
135 The absence of any prior designation shall not relieve a transferor of the duty to exercise due
136 diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a
137 transferor exercises any due diligence with regard to a certificate of ownership, the legal transfer
138 of a certificate of ownership without any designation that is subsequently discovered to have or
139 should have had a designation shall be a transfer free and clear of any liabilities of the transferor
140 associated with the missing designation.

141 13. When an application is made for an original Missouri certificate of ownership for a
142 motor vehicle previously registered or titled in a state other than Missouri, and the certificate of
143 ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle,

144 the director of revenue shall appropriately designate on the current Missouri and all subsequent
145 issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

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

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

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

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

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

159 (4) An inspection certificate, other than a motor vehicle examination certificate required
160 under subsection 9 of this section, completed and issued by the Missouri state highway patrol,
161 or other law enforcement agency as authorized by the director of revenue. The inspection
162 performed by the highway patrol or other authorized local law enforcement agency shall include
163 a check for stolen vehicles. The department of revenue shall issue the owner a certificate of
164 ownership designated with the words "Reconstructed Motor Vehicle" and deliver such certificate
165 of ownership in accordance with the provisions of this chapter. Notwithstanding subsection 9
166 of this section, no owner of a reconstructed motor vehicle described in this subsection shall be
167 required to obtain a vehicle examination certificate issued by the Missouri state highway patrol.

301.196. 1. Beginning January 1, 2006, except as otherwise provided in this section, the
2 transferor of an interest in a motor vehicle or trailer listed on the face of a Missouri title,
3 excluding salvage titles and junking certificates, shall notify the department of revenue of the
4 transfer within thirty days of the date of transfer. The notice shall be in a form determined by
5 the department by rule and shall contain:

6 (1) **The name of the transferor;**

7 (2) A description of the motor vehicle or trailer sufficient to identify it;

8 [(2)] (3) The vehicle identification number of the motor vehicle or trailer;

9 [(3)] (4) The name and address of the transferee;

10 [(4)] (5) The date of birth of the transferee, unless the transferee is not a natural person;

11 [(5)] (6) The date of the transfer or sale;

12 [(6)] (7) The purchase price of the motor vehicle or trailer, if applicable;

13 [(7)] **(8)** The number of the transferee's drivers license, unless the transferee does not
14 have a drivers license;

15 [(8) The printed name and signature]

16 **(9) The transferor's electronic signature if transmitted electronically or the**
17 **signatures of the transferee and transferor if not submitted electronically. For the purposes**
18 **of this section, "transmitted electronically" shall have the same meaning as an electronic**
19 **signature as defined in section 432.205;**

20 [(9)] **(10)** Any other information required by the department by rule.

21 **2. A notice of sale substantially complying with the requirements of this section is**
22 **effective even though it contains minor errors which are not materially misleading.**

23 **3.** For purposes of giving notice under this section, if the transfer occurs by operation of
24 law, the personal representative, receiver, trustee, sheriff, or other representative or successor in
25 interest of the person whose interest is transferred shall be considered the transferor.
26 Repossession by a creditor shall not be considered a transfer of ownership requiring such notice.

27 [3.] **4.** The requirements of this section shall not apply to transfers when there is no
28 complete change of ownership interest or upon award of ownership of a motor vehicle or trailer
29 made by court order, or transfers of ownership of a motor vehicle or trailer to or between vehicle
30 dealers, or transfers of ownership of a motor vehicle or trailer to an insurance company due to
31 a theft or casualty loss, or transfers of beneficial ownership of a motor vehicle owned by a trust.

32 [4.] **5.** Notification under this section is only required for transfers of ownership that
33 would otherwise require registration and an application for certificate of title in this state under
34 section 301.190, and is for informational purposes only and does not constitute an assignment
35 or release of any interest in the vehicle.

36 [5.] **6.** Retail sales made by licensed dealers including sales of new vehicles shall be
37 reported pursuant to the provisions of section 301.280.

301.213. 1. Notwithstanding the provisions of sections 301.200 and 301.210, any
2 **person licensed as a motor vehicle dealer under sections 301.550 to 301.580 that has**
3 **provided to the director of revenue a surety bond or irrevocable letter of credit in an**
4 **amount not less than one hundred thousand dollars in a form which complies with the**
5 **requirements of section 301.560 and in lieu of the twenty-five thousand dollar bond**
6 **otherwise required for licensure as a motor vehicle dealer, shall be authorized to purchase**
7 **or accept in trade any motor vehicle for which there has been issued a certificate of**
8 **ownership, and to receive such vehicle subject to any existing liens thereon created and**
9 **perfected under sections 301.600 to 301.660 provided the licensed dealer receives the**
10 **following:**

11 **(1) A signed written contract between the licensed dealer and the owner of the**
12 **vehicle outlining the terms of the sale or acceptance in trade of such motor vehicle without**
13 **transfer of the certificate of ownership; and**

14 **(2) Physical delivery of the vehicle to the licensed dealer; and**

15 **(3) A power of attorney from the owner to the licensed dealer, in accordance with**
16 **subsection 4 of section 301.300, authorizing the licensed dealer to obtain a duplicate or**
17 **replacement title in the owner's name and sign any title assignments on the owner's behalf.**

18 **2. If the dealer complies with the requirements of subsection 1 of this section, the**
19 **sale or trade of the vehicle to the dealer shall be considered final, subject to any existing**
20 **liens created and perfected under sections 301.600 to 301.660. Once the prior owner of the**
21 **motor vehicle has physically delivered the motor vehicle to the licensed dealer, the prior**
22 **owners' insurable interest in such vehicle shall cease to exist.**

23 **3. If a licensed dealer complies with the requirements of subsection 1 of this section,**
24 **and such dealer has provided to the director of revenue a surety bond or irrevocable letter**
25 **of credit in amount not less than one hundred thousand dollars in a form which complies**
26 **with the requirements of section 301.560 and in lieu of the twenty-five thousand dollar**
27 **bond otherwise required for licensure as a motor vehicle dealer, such dealer may sell such**
28 **vehicle prior to receiving and assigning to the purchaser the certificate of ownership,**
29 **provided such dealer complies with the following:**

30 **(1) All outstanding liens created on the vehicle pursuant to sections 301.600 to**
31 **301.660 have been paid in full, and the dealer provides a copy of proof or other evidence**
32 **to the purchaser; and**

33 **(2) The dealer has obtained proof or other evidence from the department of**
34 **revenue confirming that no outstanding child support liens exist upon the vehicle at the**
35 **time of sale and provides a copy of said proof or other evidence to the purchaser; and**

36 **(3) The dealer has obtained proof or other evidence from the department of**
37 **revenue confirming that all applicable state sales tax has been satisfied on the sale of the**
38 **vehicle to the previous owner and provides a copy of said proof or other evidence to the**
39 **purchaser; and**

40 **(4) The dealer has signed an application for duplicate or replacement title for the**
41 **vehicle under subsection 4 of section 301.300 and provides a copy of the application to the**
42 **purchaser, along with a copy of the power of attorney required by subsection 1 of this**
43 **section, and the dealer has prepared and delivered to the purchaser an application for title**
44 **for the vehicle in the purchaser's name; and**

45 **(5) The dealer and the purchaser have entered into a written agreement for the**
46 **subsequent assignment and delivery of such certificate of ownership, on a form prescribed**

47 by the director of revenue, to take place at a time, not to exceed sixty calendar days, after
48 the time of delivery of the motor vehicle to the purchaser. Such agreement shall require
49 the purchaser to provide to the dealer proof of financial responsibility in accordance with
50 chapter 303 and proof of comprehensive and collision coverage on the motor vehicle. Such
51 dealer shall maintain the original or an electronic copy of the signed agreement and deliver
52 a copy of the signed agreement to the purchaser. Such dealer shall also complete and
53 deliver to the director of revenue such form as the director shall prescribe demonstrating
54 that the purchaser has purchased the vehicle without contemporaneous delivery of the title.

55

56 Notwithstanding any provision of law to the contrary, completion of the requirements of
57 this subsection shall constitute prima facie evidence of an ownership interest vested in the
58 purchaser of the vehicle for all purposes other than for a subsequent transfer of ownership
59 of the vehicle by the purchaser, subject to the rights of any secured lienholder of record;
60 however, the purchaser may use the dealer-supplied copy of the agreement to transfer his
61 or her ownership of the vehicle to an insurance company in situations where the vehicle has
62 been declared salvage or a total-loss by the insurance company as a result of a settlement
63 of a claim. Such insurance company may apply for a salvage certificate of title or junking
64 certificate pursuant to the provisions of subsection 3 of section 301.193 in order to transfer
65 its interests in such vehicle. The purchaser may also use the dealer-supplied copy of the
66 agreement on the form prescribed by the director of revenue as proof of ownership
67 interest. Any lender or insurance company may rely upon a copy of the signed written
68 agreement on the form prescribed by the director of revenue as proof of ownership
69 interest. Any lien placed upon a vehicle based upon such signed written agreement shall
70 be valid and enforceable, notwithstanding the absence of a certificate of ownership.

71 4. Following a sale or other transaction in which a certificate of ownership has not
72 been assigned from the owner to the licensed dealer, the dealer shall, within ten business
73 days, apply for a duplicate or replacement certificate of ownership. Upon receipt of a
74 duplicate or replacement certificate of ownership applied for under subsection 4 of section
75 301.300, the dealer shall assign and deliver said certificate of ownership to the purchaser
76 of the vehicle within five business days. The dealer shall maintain proof of the assignment
77 and delivery of the certificate of ownership to the purchaser. For purposes of this
78 subsection, a dealer shall be deemed to have delivered the certificate of ownership to the
79 purchaser upon either:

80 (1) Physical delivery of the certificate of ownership to any of the purchasers
81 identified in the contract with such dealer; or

82 **(2) Mailing of the certificate, postage prepaid, return receipt requested, to any of**
83 **the purchasers at any of their addresses identified in the contract with such dealer.**

84 **5. If a licensed dealer fails to comply with subsection 3 of this section, and the**
85 **purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the**
86 **purchaser of the vehicle for actual damages, plus court costs and reasonable attorney fees.**

87 **6. If a licensed dealer fails or is unable to comply with subsection 4 of this section,**
88 **and the purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the**
89 **purchaser of the vehicle for actual damages, plus court costs and reasonable attorney fees.**
90 **If the dealer cannot be found by the purchaser after making reasonable attempts, or if the**
91 **dealer fails to assign and deliver the duplicate or replacement certificate of ownership to**
92 **the purchaser by the date agreed upon by the dealer and the purchaser, as required by**
93 **subsection 4 of this section, then the purchaser may deliver to the director a copy of the**
94 **contract for sale of the vehicle, a copy of the application for duplicate title provided by the**
95 **dealer to the purchaser, a copy of the secure power of attorney allowing the dealer to assign**
96 **the duplicate title, and the proof or other evidence obtained by the purchaser from the**
97 **dealer under subsection 3 of this section. Thereafter, the director shall mail by certified**
98 **mail, return receipt requested, a notice to the dealer at the last address given to the**
99 **department by that dealer. That notice shall inform the dealer that the director intends**
100 **to cancel any prior certificate of title which may have been issued to the dealer on the**
101 **vehicle and issue to the purchaser a certificate of title in the name of the purchaser, subject**
102 **to any liens incurred by the purchaser in connection with the purchase of the vehicle,**
103 **unless the dealer, within ten business days from the date of the director's notice, files with**
104 **the director a written objection to the director taking such action. If the dealer does file**
105 **a timely, written objection with the director, then the director shall not take any further**
106 **action without an order from a court of competent jurisdiction. However, if the dealer**
107 **does not file a timely, written objection with the director, then the director shall cancel the**
108 **prior certificate of title issued to the dealer on the vehicle and issue a certificate of tile to**
109 **the purchaser of the vehicle, subject to any liens incurred by the purchaser in connection**
110 **with the purchase of the vehicle and subject to the purchaser satisfying all applicable taxes**
111 **and fees associated with registering the vehicle.**

112 **7. If a seller misrepresents to a dealer that the seller is the owner of a vehicle and**
113 **the dealer, the owner, any subsequent purchaser, or any prior or subsequent lienholder is**
114 **thereby damaged, then the seller shall be liable to each such party for actual and punitive**
115 **damages, plus court costs and reasonable attorney fees.**

116 **8. When a lienholder is damaged as a result of a licensed dealer's acts, errors,**
117 **omissions, or violations of this section, then the dealer shall be liable to the lienholder for**
118 **actual damages, plus court costs and reasonable attorney fees.**

119 **9. No court costs or attorney fees shall be awarded under this section unless, prior**
120 **to filing any such action, the following conditions have been met:**

121 **(1) The aggrieved party seeking damages has delivered an itemized written demand**
122 **of the party's actual damages to the party from whom damages are sought; and**

123 **(2) The party from whom damages are sought has not satisfied the written demand**
124 **within thirty days after receipt of the written demand.**

125 **10. The department of revenue may use a dealer's repeated or intentional violation**
126 **of this section as a cause to suspend, revoke, or refuse to issue or renew any license**
127 **required pursuant to sections 301.550 to 301.580, in addition to the causes set forth in**
128 **section 301.562. The hearing process shall be the same as that established in subsection 6**
129 **of section 301.562.**

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

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

23 granted within thirty days of the submission of a request. **A junking certificate shall authorize**
24 **the holder to possess, transport, or, by assignment, transfer ownership in such parts, scrap,**
25 **or junk.**

26 3. [Upon receipt of a properly completed application for a junking certificate, the director
27 of revenue shall issue to the applicant a junking certificate which shall authorize the holder to
28 possess, transport, or, by assignment, transfer ownership in such parts, scrap or junk, and a
29 certificate of title shall not again be issued for such vehicle; except that, the initial purchaser]
30 **For any vehicle issued a junking certificate or such similar document or classification**
31 **pursuant to the laws of another state, regardless of whether such designation has been**
32 **subsequently changed by law in any other state, the department shall only issue a junking**
33 **certificate, and a salvage certificate of title or original certificate of ownership shall not**
34 **thereafter be issued for such vehicle. Notwithstanding the provisions of this subsection,**
35 **if the vehicle has not previously been classified as "junk", the applicant making the**
36 **original junking certification application** shall, within ninety days, be allowed to rescind his
37 application for a junking certificate by surrendering the junking certificate and apply for a
38 salvage certificate of title in his name. The seller of a vehicle for which a junking certificate has
39 been applied for or issued shall disclose such fact in writing to any prospective buyers before sale
40 of such vehicle; otherwise the sale shall be voidable at the option of the buyer.

41 4. No scrap metal operator shall acquire or purchase a motor vehicle or parts thereof
42 without, at the time of such acquisition, receiving the original certificate of [title] **ownership** or
43 salvage certificate of title or junking certificate from the seller of the vehicle or parts, unless the
44 seller is a licensee under sections 301.219 to 301.221.

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

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

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

54 8. Notwithstanding the provisions of subsection 1 of this section, an insurance company
55 which settles a claim for a stolen vehicle may apply for and shall be issued a negotiable salvage
56 certificate of title without the payment of any fee upon proper application within thirty days after
57 settlement of the claim for such stolen vehicle. However, if the insurance company upon
58 recovery of a stolen vehicle determines that the stolen vehicle has not sustained damage to the

59 extent that the vehicle would have otherwise been declared a salvage vehicle pursuant to
60 subdivision (51) of section 301.010, then the insurance company may have the vehicle inspected
61 by the Missouri state highway patrol, or other law enforcement agency authorized by the director
62 of revenue, in accordance with the inspection provisions of subsection 9 of section 301.190.
63 Upon receipt of title application, applicable fee, the completed inspection, and the return of any
64 previously issued negotiable salvage certificate, the director shall issue an original title with no
65 salvage or prior salvage designation. Upon the issuance of an original title the director shall
66 remove any indication of the negotiable salvage title previously issued to the insurance company
67 from the department's electronic records.

68 9. Notwithstanding subsection 4 of this section or any other provision of the law to the
69 contrary, if a motor vehicle is inoperable and is at least ten model years old, or the parts are from
70 a motor vehicle that is inoperable and is at least ten model years old, a scrap metal operator may
71 purchase or acquire such motor vehicle or parts without receiving the original certificate of [title]
72 **ownership**, salvage certificate of title, or junking certificate from the seller of the vehicle or
73 parts, provided the scrap metal operator verifies with the department of revenue, via the
74 department's online record access, that the motor vehicle is not subject to any recorded security
75 interest or lien and the scrap metal operator complies with the requirements of this subsection.
76 In lieu of forwarding certificates of [titles] **title or ownership** for such motor vehicles as
77 required by subsection 5 of this section, the scrap metal operator shall forward a copy of the
78 seller's state identification along with a bill of sale to the department of revenue. The bill of sale
79 form shall be designed by the director and such form shall include, but not be limited to, a
80 certification that the motor vehicle is at least ten model years old, is inoperable, is not subject
81 to any recorded security interest or lien, and a certification by the seller that the seller has the
82 legal authority to sell or otherwise transfer the seller's interest in the motor vehicle or parts.
83 Upon receipt of the information required by this subsection, the department of revenue shall
84 cancel any certificate of title **or ownership** and registration for the motor vehicle. If the motor
85 vehicle is inoperable and at least twenty model years old, then the scrap metal operator shall not
86 be required to verify with the department of revenue whether the motor vehicle is subject to any
87 recorded security interests or liens. As used in this subsection, the term "inoperable" means a
88 motor vehicle that is in a rusted, wrecked, discarded, worn out, extensively damaged, dismantled,
89 and mechanically inoperative condition and the vehicle's highest and best use is for scrap
90 purposes. The director of the department of revenue is directed to promulgate rules and
91 regulations to implement and administer the provisions of this section, including but not limited
92 to, the development of a uniform bill of sale. Any rule or portion of a rule, as that term is
93 defined in section 536.010, that is created under the authority delegated in this section shall
94 become effective only if it complies with and is subject to all of the provisions of chapter 536

95 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of
96 the powers vested with the general assembly pursuant to chapter 536 to review, to delay the
97 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
98 grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be
99 invalid and void.

301.562. 1. The department may refuse to issue or renew any license required pursuant
2 to sections 301.550 to [301.573] **301.580** for any one or any combination of causes stated in
3 subsection 2 of this section. The department shall notify the applicant or licensee in writing at
4 his or her last known address of the reasons for the refusal to issue or renew the license and shall
5 advise the applicant or licensee of his or her right to file a complaint with the administrative
6 hearing commission as provided by chapter 621.

7 2. The department may cause a complaint to be filed with the administrative hearing
8 commission as provided by chapter 621 against any holder of any license issued under sections
9 301.550 to [301.573] **301.580** for any one or any combination of the following causes:

10 (1) The applicant or license holder was previously the holder of a license issued under
11 sections 301.550 to [301.573] **301.580**, which license was revoked for cause and never reissued
12 by the department, or which license was suspended for cause and the terms of suspension have
13 not been fulfilled;

14 (2) The applicant or license holder was previously a partner, stockholder, director or
15 officer controlling or managing a partnership or corporation whose license issued under sections
16 301.550 to [301.573] **301.580** was revoked for cause and never reissued or was suspended for
17 cause and the terms of suspension have not been fulfilled;

18 (3) The applicant or license holder has, within ten years prior to the date of the
19 application, been finally adjudicated and found guilty, or entered a plea of guilty or nolo
20 contendere, in a prosecution under the laws of any state or of the United States, for any offense
21 reasonably related to the qualifications, functions, or duties of any business licensed under
22 sections 301.550 to [301.573] **301.580**; for any offense, an essential element of which is fraud,
23 dishonesty, or an act of violence; or for any offense involving moral turpitude, whether or not
24 sentence is imposed;

25 (4) Use of fraud, deception, misrepresentation, or bribery in securing any license issued
26 pursuant to sections 301.550 to [301.573] **301.580**;

27 (5) Obtaining or attempting to obtain any money, commission, fee, barter, exchange, or
28 other compensation by fraud, deception, or misrepresentation;

29 (6) Violation of, or assisting or enabling any person to violate any provisions of this
30 chapter and chapters 143, 144, 306, 307, 407, 578, and 643 or of any lawful rule or regulation
31 adopted pursuant to this chapter and chapters 143, 144, 306, 307, 407, 578, and 643;

32 (7) The applicant or license holder has filed an application for a license which, as of its
33 effective date, was incomplete in any material respect or contained any statement which was, in
34 light of the circumstances under which it was made, false or misleading with respect to any
35 material fact;

36 (8) The applicant or license holder has failed to pay the proper application or license fee
37 or other fees required pursuant to this chapter or chapter 306 or fails to establish or maintain a
38 bona fide place of business;

39 (9) Uses or permits the use of any special license or license plate assigned to the license
40 holder for any purpose other than those permitted by law;

41 (10) The applicant or license holder is finally adjudged insane or incompetent by a court
42 of competent jurisdiction;

43 (11) Use of any advertisement or solicitation which is false;

44 (12) Violations of sections 407.511 to 407.556, section 578.120, which resulted in a
45 conviction or finding of guilt or violation of any federal motor vehicle laws which result in a
46 conviction or finding of guilt.

47 3. Any such complaint shall be filed within one year of the date upon which the
48 department receives notice of an alleged violation of an applicable statute or regulation. After
49 the filing of such complaint, the proceedings shall, except for the matters set forth in subsection
50 5 of this section, be conducted in accordance with the provisions of chapter 621. Upon a finding
51 by the administrative hearing commission that the grounds, provided in subsection 2 of this
52 section, for disciplinary action are met, the department may, singly or in combination, refuse to
53 issue the person a license, issue a license for a period of less than two years, issue a private
54 reprimand, place the person on probation on such terms and conditions as the department deems
55 appropriate for a period of one day to five years, suspend the person's license from one day to
56 six days, or revoke the person's license for such period as the department deems appropriate. The
57 applicant or licensee shall have the right to appeal the decision of the administrative hearing
58 commission and department in the manner provided in chapter 536.

59 4. Upon the suspension or revocation of any person's license issued under sections
60 301.550 to [301.573] **301.580**, the department shall recall any distinctive number plates that were
61 issued to that licensee. If any licensee who has been suspended or revoked shall neglect or refuse
62 to surrender his or her license or distinctive number license plates issued under sections 301.550
63 to 301.580, the director shall direct any agent or employee of the department or any law
64 enforcement officer, to secure possession thereof and return such items to the director. For
65 purposes of this subsection, a "law enforcement officer" means any member of the highway
66 patrol, any sheriff or deputy sheriff, or any peace officer certified under chapter 590 acting in his
67 or her official capacity. Failure of the licensee to surrender his or her license or distinctive

68 number license plates upon demand by the director, any agent or employee of the department,
69 or any law enforcement officer shall be a class A misdemeanor.

70 5. Notwithstanding the foregoing provisions of this section, the following events or acts
71 by the holder of any license issued under sections 301.550 to 301.580 are deemed to present a
72 clear and present danger to the public welfare and shall be considered cause for suspension or
73 revocation of such license under the procedure set forth in subsection 6 of this section, at the
74 discretion of the director:

75 (1) The expiration or revocation of any corporate surety bond or irrevocable letter of
76 credit, as required by section 301.560, without submission of a replacement bond or letter of
77 credit which provides coverage for the entire period of licensure;

78 (2) The failure to maintain a bona fide established place of business as required by
79 section 301.560;

80 (3) Criminal convictions as set forth in subdivision (3) of subsection 2 of this section;
81 or

82 (4) Three or more occurrences of violations which have been established following
83 proceedings before the administrative hearing commission under subsection 3 of this section, or
84 which have been established following proceedings before the director under subsection 6 of this
85 section, of this chapter and chapters 143, 144, 306, 307, 578, and 643 or of any lawful rule or
86 regulation adopted under this chapter and chapters 143, 144, 306, 307, 578, and 643, not
87 previously set forth herein.

88 6. (1) Any license issued under sections 301.550 to 301.580 shall be suspended or
89 revoked, following an evidentiary hearing before the director or his or her designated hearing
90 officer, if affidavits or sworn testimony by an authorized agent of the department alleges the
91 occurrence of any of the events or acts described in subsection 5 of this section.

92 (2) For any license which the department believes may be subject to suspension or
93 revocation under this subsection, the director shall immediately issue a notice of hearing to the
94 licensee of record. The director's notice of hearing:

95 (a) Shall be served upon the licensee personally or by first class mail to the dealer's last
96 known address, as registered with the director;

97 (b) Shall be based on affidavits or sworn testimony presented to the director, and shall
98 notify the licensee that such information presented therein constitutes cause to suspend or revoke
99 the licensee's license;

100 (c) Shall provide the licensee with a minimum of ten days' notice prior to hearing;

101 (d) Shall specify the events or acts which may provide cause for suspension or revocation
102 of the license, and shall include with the notice a copy of all affidavits, sworn testimony or other
103 information presented to the director which support discipline of the license; and

104 (e) Shall inform the licensee that he or she has the right to attend the hearing and present
105 any evidence in his or her defense, including evidence to show that the event or act which may
106 result in suspension or revocation has been corrected to the director's satisfaction, and that he or
107 she may be represented by counsel at the hearing.

108 (3) At any hearing before the director conducted under this subsection, the director or
109 his or her designated hearing officer shall consider all evidence relevant to the issue of whether
110 the license should be suspended or revoked due to the occurrence of any of the acts set forth in
111 subsection 5 herein. Within twenty business days after such hearing, the director or his or her
112 designated hearing officer shall issue a written order, with findings of fact and conclusions of
113 law, which either grants or denies the issuance of an order of suspension or revocation. The
114 suspension or revocation shall be effective ten days after the date of the order. The written order
115 of the director or his or her hearing officer shall be the final decision of the director and shall be
116 subject to judicial review under the provisions of chapter 536.

117 (4) Notwithstanding the provisions of this chapter or chapter 610 or 621 to the contrary,
118 the proceedings under this section shall be closed and no order shall be made public until it is
119 final, for purposes of appeal.

120 **7. In lieu of acting under subsection 2 or subsection 6 of this action, the department**
121 **of revenue may enter into an agreement with the holder of the license to ensure future**
122 **compliance with sections 301.210, 301.213, 307.380, sections 301.217 to 301.229, and**
123 **sections 301.550 to 301.580. Such agreement may include an assessment fee not to exceed**
124 **five hundred dollars per violation or five thousand dollars in the aggregate unless**
125 **otherwise permitted by law, probation terms and conditions, and other requirements as**
126 **may be deemed appropriate by the department of revenue and the holder of the license.**
127 **Any fees collected by the department of revenue under this subsection shall be deposited**
128 **into the motor vehicle commission fund created in section 301.560.**

301.645. 1. In cases where an insurance company has paid or is paying a total loss
2 **claim on a motor vehicle or trailer, the registered owner or owners of a motor vehicle or**
3 **trailer may use an electronic signature in a similar form as that prescribed in sections**
4 **432.200 to 432.295 on a limited power of attorney, affidavit, or other documents to**
5 **authorize the insurance company to assign ownership of such motor vehicle or trailer. A**
6 **power of attorney, affidavit, or other similar document executed with an electronic**
7 **signature for the authority to execute the assignment of a certificate of ownership by an**
8 **insurance company under the authority of this section shall not require notarization.**

9 **2. The director of the department of revenue may promulgate rules and regulations**
10 **to implement and administer the provisions of this section. Any rule or portion of a rule,**
11 **as that term is defined in section 536.010, that is created under the authority delegated in**

12 **this section shall become effective only if it complies with and is subject to all of the**
13 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536**
14 **are nonseverable and if any of the powers vested with the general assembly under chapter**
15 **536 to review, to delay the effective date, or to disapprove and annul a rule are**
16 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
17 **proposed or adopted after August 28, 2015, shall be invalid and void.**

[407.581. 1. Notwithstanding the provisions of sections 301.200 and
2 301.210, any person licensed as a motor vehicle dealer under sections 301.550
3 to 301.573 shall be authorized to purchase or accept in trade any motor vehicle
4 for which there has been issued a certificate of title, and to receive such vehicle
5 subject to any existing liens thereon created and perfected under sections 301.600
6 to 301.660 provided the licensed dealer receives the following:

7 (1) A signed written contract between the licensed dealer and the owner
8 of the vehicle; and

9 (2) Physical delivery of the vehicle to the licensed dealer; and

10 (3) A power of attorney from the owner to the licensed dealer, in
11 accordance with subsection 4 of section 301.300, authorizing the licensed dealer
12 to obtain a duplicate or replacement title in the owner's name and sign any title
13 assignments on the owner's behalf.

14 2. If the dealer complies with the requirements of subsection 1 of this
15 section, the sale or trade of the vehicle to the dealer shall be considered final.

16 3. If a licensed dealer complies with the requirements of subsection 1 of
17 this section, the licensed dealer may sell such vehicle prior to receiving and
18 assigning to the purchaser the certificate of title, provided such dealer complies
19 with the following:

20 (1) All outstanding liens created on the vehicle pursuant to sections
21 301.600 to 301.660 have been paid in full, and the dealer provides a copy of
22 proof or other evidence to the purchaser; and

23 (2) The dealer has obtained proof or other evidence from the department
24 of revenue confirming that no outstanding child support liens exist upon the
25 vehicle at the time of sale and provides a copy of said proof or other evidence to
26 the purchaser; and

27 (3) The dealer has obtained proof or other evidence from the department
28 of revenue confirming that all applicable state sales tax has been satisfied on the
29 sale of the vehicle to the previous owner and provides a copy of said proof or
30 other evidence to the purchaser; and

31 (4) The dealer has signed and submitted an application for duplicate or
32 replacement title for the vehicle pursuant to subsection 4 of section 301.300 and
33 provides a copy of the application to the purchaser, along with a copy of the
34 power of attorney required under subsection 1 of this section.

35 4. Following a sale or other transaction in which a certificate of title has
36 not been assigned from the owner to the dealer, a licensed dealer shall, within

37 five business days, apply for a duplicate or replacement title. Upon receipt of a
38 duplicate or replacement title applied for pursuant to subsection 4 of section
39 301.300, the dealer shall assign and deliver said certificate of title to the
40 purchaser of the vehicle within five business days. The dealer shall maintain
41 proof of the assignment and delivery of the certificate of title to the purchaser.
42 For purposes of this subsection, a dealer shall be deemed to have delivered the
43 certificate of title to the purchaser upon either:

44 (1) Physical delivery of the certificate of title to any of the purchasers
45 identified in the contract with the dealer; or

46 (2) Mailing of the certificate, postage prepaid, return receipt requested,
47 to any of the purchasers at any of their addresses identified in the contract with
48 the dealer.

49 5. If a dealer fails to comply with subsection 3 of this section, and the
50 purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the
51 purchaser of the vehicle for actual damages, plus court costs and reasonable
52 attorney fees.

53 6. If a dealer fails to comply with subsection 4 of this section, and the
54 purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the
55 purchaser of the vehicle for actual damages, plus court costs and reasonable
56 attorney fees. If the dealer cannot be found by the purchaser after making
57 reasonable attempts, and thereby fails to assign and deliver the duplicate or
58 replacement certificate of title to the purchaser, as required by subsection 4 of this
59 section, then the purchaser may deliver to the director a copy of the contract for
60 sale of the vehicle, a copy of the application for duplicate title provided by the
61 dealer to the purchaser, a copy of the secure power of attorney allowing the dealer
62 to assign the duplicate title, and the proof or other evidence obtained by the
63 purchaser from the dealer under subsection 3 of this section. Thereafter, the
64 director shall mail by certified mail, return receipt requested, a notice to the
65 dealer at the last address given to the department by that dealer. That notice shall
66 inform the dealer that the director intends to cancel any prior certificate of title
67 issued to the dealer on the vehicle and issue to the purchaser a certificate of title
68 in the name of the purchaser, subject to any liens incurred by the purchaser in
69 connection with the purchase of the vehicle, unless the dealer, within ten business
70 days from the date of the director's notice, files with the director a written
71 objection to the director taking such action. If the dealer does file a timely,
72 written objection with the director, then the director shall not take any further
73 action without an order from a court of competent jurisdiction. However, if the
74 dealer does not file a timely, written objection with the director, then the director
75 shall cancel the prior certificate of title issued to the dealer on the vehicle and
76 issue a certificate of title to the purchaser of the vehicle, subject to any liens
77 incurred by the purchaser in connection with the purchase of the vehicle and
78 subject to the purchaser satisfying all applicable taxes and fees associated with
79 registering the vehicle.

80 7. If a seller fraudulently misrepresents to a dealer that the seller is the
81 owner of a vehicle and the dealer or any subsequent purchaser is thereby
82 damaged, then the seller shall be liable to the dealer and any subsequent
83 purchaser for actual damages, plus court costs and reasonable attorney fees.

84 8. When a lienholder is damaged as a result of acts or omissions by the
85 dealer to the lienholder or any party covered by subsections 5, 6, and 7 of this
86 section, or by any combination of claims under this subsection, then the dealer
87 shall be liable to the lienholder for actual damages, plus court costs and
88 reasonable attorney fees.

89 9. No court costs or attorney fees shall be awarded under this section
90 unless, prior to filing any such action, the following conditions have been met:

91 (1) The aggrieved party seeking damages has delivered an itemized
92 written demand of the party's actual damages to the party from whom damages
93 are sought; and

94 (2) The party from whom damages are sought has not satisfied the
95 written demand within thirty days after receipt of the written demand.]

✓