

FIRST REGULAR SESSION

SENATE BILL NO. 443

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHATZ.

Read 1st time February 12, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2061S.011

AN ACT

To repeal section 301.280, RSMo, and to enact in lieu thereof one new section relating to temporary registration permit sales recording, with an existing penalty provision.

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

Section A. Section 301.280, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 301.280, to read as follows:

301.280. 1. Every motor vehicle dealer and boat dealer shall make a
2 monthly report to the department of revenue, on blanks to be prescribed by the
3 department of revenue, giving the following information: date of the sale of each
4 motor vehicle, boat, trailer and all-terrain vehicle sold; the name and address of
5 the buyer; the name of the manufacturer; year of manufacture; model of vehicle;
6 vehicle identification number; style of vehicle; odometer setting; and it shall also
7 state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or
8 secondhand. Each monthly sales report filed by a motor vehicle dealer who
9 collects sales tax under subsection 8 of section 144.070 shall also include the
10 amount of state and local sales tax collected for each motor vehicle sold if sales
11 tax was due. The odometer reading is not required when reporting the sale of
12 any motor vehicle that is ten years old or older, any motor vehicle having a gross
13 vehicle weight rating of more than sixteen thousand pounds, new vehicles that
14 are transferred on a manufacturer's statement of origin between one franchised
15 motor vehicle dealer and another, or boats, all-terrain vehicles or trailers. The
16 sale of all thirty-day temporary permits[, without exception,] shall be recorded
17 in the appropriate space [on the dealer's monthly sales report by recording the
18 complete permit number issued on the motor vehicle or trailer sale listed],

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 **unless the sale of the thirty-day temporary permit is already recorded**
20 **by electronic means as determined by the department.** The monthly sales
21 report shall be completed in full and signed by an officer, partner, or owner of the
22 dealership, and actually received by the department of revenue on or before the
23 fifteenth day of the month succeeding the month for which the sales are being
24 reported. If no sales occur in any given month, a report shall be submitted for
25 that month indicating no sales. Any vehicle dealer who fails to file a monthly
26 report or who fails to file a timely report shall be subject to disciplinary action as
27 prescribed in section 301.562 or a penalty assessed by the director not to exceed
28 three hundred dollars per violation. Every motor vehicle and boat dealer shall
29 retain copies of the monthly sales report as part of the records to be maintained
30 at the dealership location and shall hold them available for inspection by
31 appropriate law enforcement officials and officials of the department of
32 revenue. Every vehicle dealer selling twenty or more vehicles a month shall file
33 the monthly sales report with the department in an electronic format. Any dealer
34 filing a monthly sales report in an electronic format shall be exempt from filing
35 the notice of transfer required by section 301.196. For any dealer not filing
36 electronically, the notice of transfer required by section 301.196 shall be
37 submitted with the monthly sales report as prescribed by the director.

38 2. Every dealer and every person operating a public garage shall keep a
39 correct record of the vehicle identification number, odometer setting,
40 manufacturer's name of all motor vehicles or trailers accepted by him for the
41 purpose of sale, rental, storage, repair or repainting, together with the name and
42 address of the person delivering such motor vehicle or trailer to the dealer or
43 public garage keeper, and the person delivering such motor vehicle or trailer shall
44 record such information in a file kept by the dealer or garage keeper. The record
45 shall be kept for five years and be open for inspection by law enforcement
46 officials, members or authorized or designated employees of the Missouri highway
47 patrol, and persons, agencies and officials designated by the director of revenue.

48 3. Every dealer and every person operating a public garage in which a
49 motor vehicle remains unclaimed for a period of fifteen days shall, within five
50 days after the expiration of that period, report the motor vehicle as unclaimed to
51 the director of revenue. Such report shall be on a form prescribed by the director
52 of revenue. A motor vehicle left by its owner whose name and address are known
53 to the dealer or his employee or person operating a public garage or his employee
54 is not considered unclaimed. Any dealer or person operating a public garage who

55 fails to report a motor vehicle as unclaimed as herein required forfeits all claims
56 and liens for its garaging, parking or storing.

57 4. The director of revenue shall maintain appropriately indexed
58 cumulative records of unclaimed vehicles reported to the director. Such records
59 shall be kept open to public inspection during reasonable business hours.

60 5. The alteration or obliteration of the vehicle identification number on
61 any such motor vehicle shall be prima facie evidence of larceny, and the dealer
62 or person operating such public garage shall upon the discovery of such
63 obliteration or alteration immediately notify the highway patrol, sheriff, marshal,
64 constable or chief of police of the municipality where the dealer or garage keeper
65 has his place of business, and shall hold such motor vehicle or trailer for a period
66 of forty-eight hours for the purpose of an investigation by the officer so notified.

67 6. Any person who knowingly makes a false statement or omission of a
68 material fact in a monthly sales report to the department of revenue, as described
69 in subsection 1 of this section, shall be deemed guilty of a class A misdemeanor.

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Bill

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