

FIRST REGULAR SESSION

SENATE BILL NO. 131

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KRAUS.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0202S.011

AN ACT

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

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

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2 repealed and four new sections enacted in lieu thereof, to be known as sections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

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

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

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

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

5 operate the vehicle in Missouri, he shall return the license plates to the director
6 of revenue within ninety days.

7 **2. For motor vehicles that require the issuance of only one license**
8 **plate under section 301.130 on or after August 28, 2017, an owner whose**
9 **motor vehicle has a front license plate on the effective date of this**
10 **section shall surrender the front license plate to the department of**
11 **revenue at the next renewal of registration for the motor vehicle.**

 301.130. 1. **Beginning August 28, 2018**, the director of revenue, upon
2 receipt of a proper application for registration, required fees and any other
3 information which may be required by law, shall issue to the applicant a certificate
4 of registration in such manner and form as the director of revenue may prescribe
5 and [a set of license plates] **only one license plate**, or other evidence of
6 registration, as provided by this section. Each **license plate or** set of license
7 plates shall bear the name or abbreviated name of this state, the words
8 "SHOW-ME STATE", the month and year in which the registration shall expire,
9 and an arrangement of numbers or letters, or both, as shall be assigned from year
10 to year by the director of revenue. The **plate or** plates shall also contain fully
11 reflective material with a common color scheme and design for each type of license
12 plate issued pursuant to this chapter. The **plate or** plates shall be clearly visible
13 at night, and shall be aesthetically attractive. Special plates for qualified disabled
14 veterans will have the "DISABLED VETERAN" wording on the license plates in
15 preference to the words "SHOW-ME STATE" and special plates for members of the
16 National Guard will have the "NATIONAL GUARD" wording in preference to the
17 words "SHOW-ME STATE".

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

22 3. All property-carrying commercial motor vehicles to be registered at a
23 gross weight in excess of twelve thousand pounds, all passenger-carrying
24 commercial motor vehicles, local transit buses, school buses, trailers, semitrailers,
25 motorcycles, motortricycles, motorscooters and driveaway vehicles shall be
26 registered with the director of revenue as provided for in subsection 3 of section
27 301.030, or with the state highways and transportation commission as otherwise
28 provided in this chapter, but only one license plate shall be issued for each such
29 vehicle, except as provided in this subsection. The applicant for registration of
30 any property-carrying commercial vehicle registered at a gross weight in excess

31 of twelve thousand pounds may request and be issued two license plates for such
32 vehicle, and if such plates are issued, the director of revenue shall provide for
33 distinguishing marks on the plates indicating one plate is for the front and the
34 other is for the rear of such vehicle. The director may assess and collect an
35 additional charge from the applicant in an amount not to exceed the fee prescribed
36 for personalized license plates in subsection 1 of section 301.144.

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

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

64 6. (1) The director of revenue shall issue annually or biennially a tab or
65 set of tabs [as provided by law], **in cases where two license plates have been**
66 **issued**, as evidence of the annual payment of registration fees and the current
67 registration of a vehicle in lieu of the set of plates. Beginning January 1, 2010,

68 the director may prescribe any additional information recorded on the tab or tabs
69 to ensure that the tab or tabs positively correlate with the license plate or plates
70 issued by the department of revenue for such vehicle. Such tabs shall be produced
71 in each license bureau office.

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

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

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

80 (5) For those commercial motor vehicles and trailers registered pursuant
81 to section 301.041, the plate issued by the highways and transportation
82 commission shall be a permanent nonexpiring license plate for which no tabs shall
83 be issued. Nothing in this section shall relieve the owner of any vehicle
84 permanently registered pursuant to this section from the obligation to pay the
85 annual registration fee due for the vehicle. The permanent nonexpiring license
86 plate shall be returned to the highways and transportation commission upon the
87 sale or disposal of the vehicle by the owner to whom the permanent nonexpiring
88 license plate is issued, or the plate may be transferred to a replacement
89 commercial motor vehicle when the owner files a supplemental application with
90 the Missouri highways and transportation commission for the registration of such
91 replacement commercial motor vehicle. Upon payment of the annual registration
92 fee, the highways and transportation commission shall issue a certificate of
93 registration or other suitable evidence of payment of the annual fee, and such
94 evidence of payment shall be carried at all times in the vehicle for which it is
95 issued.

96 (6) Upon the sale or disposal of any vehicle permanently registered under
97 this section, or upon the termination of a lease of any such vehicle, the permanent
98 nonexpiring plate issued for such vehicle shall be returned to the highways and
99 transportation commission and shall not be valid for operation of such vehicle, or
100 the plate may be transferred to a replacement vehicle when the owner files a
101 supplemental application with the Missouri highways and transportation
102 commission for the registration of such replacement vehicle. If a vehicle which is
103 permanently registered under this section is sold, wrecked or otherwise disposed
104 of, or the lease terminated, the registrant shall be given credit for any unused

105 portion of the annual registration fee when the vehicle is replaced by the purchase
106 or lease of another vehicle during the registration year.

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

112 8. Notwithstanding the provisions of any other law to the contrary, owners
113 of motor vehicles other than apportioned motor vehicles or commercial motor
114 vehicles licensed in excess of twenty-four thousand pounds gross weight may apply
115 for special personalized license plates. Vehicles licensed for twenty-four thousand
116 pounds that display special personalized license plates shall be subject to the
117 provisions of subsections 1 and 2 of section 301.030. On and after August 28,
118 2016, owners of motor vehicles, other than apportioned motor vehicles or
119 commercial motor vehicles licensed in excess of twenty-four thousand pounds gross
120 weight, may apply for any preexisting or hereafter statutorily created special
121 personalized license plates.

122 9. No later than January 1, 2019, the director of revenue shall commence
123 the reissuance of new license plates of such design as approved by the advisory
124 committee under section 301.125 consistent with the terms, conditions, and
125 provisions of section 301.125 and this chapter. Except as otherwise provided in
126 this section, in addition to all other fees required by law, applicants for
127 registration of vehicles with license plates that expire during the period of
128 reissuance, applicants for registration of trailers or semitrailers with license plates
129 that expire during the period of reissuance and applicants for registration of
130 vehicles that are to be issued new license plates during the period of reissuance
131 shall pay the cost of the plates required by this subsection. The additional cost
132 prescribed in this subsection shall not be charged to persons receiving special
133 license plates issued under section 301.073 or 301.443. Historic motor vehicle
134 license plates registered pursuant to section 301.131 and specialized license plates
135 are exempt from the provisions of this subsection. Except for new, replacement,
136 and transfer applications, permanent nonexpiring license plates issued to
137 commercial motor vehicles and trailers registered under section 301.041 are
138 exempt from the provisions of this subsection.

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

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

31 2. Upon application for a personalized plate by the owner of a motor
32 vehicle for which the owner has no registration plate available for transfer as
33 prescribed by section 301.140, the director shall issue a temporary permit
34 authorizing the operation of the motor vehicle until the personalized plate is
35 issued.

36 3. No personalized license plates shall be issued containing any letters,
37 numbers or combination of letters and numbers which are obscene, profane,

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

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

66 5. The director of revenue shall issue to residents of the state of Missouri
67 who hold an unrevoked and unexpired official amateur radio license issued by the
68 Federal Communications Commission, upon application and upon payment of the
69 additional fee specified in subsection 1 of this section, except for a person
70 exempted from the additional fee pursuant to subsection 7 of this section,
71 personalized special license plates bearing the official amateur radio call letters
72 assigned by the Federal Communications Commission to the applicant with the
73 words "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The
74 application shall be accompanied by a statement stating that the applicant has an

75 unrevoked and unexpired amateur radio license issued by the Federal
76 Communications Commission and the official radio call letters assigned by the
77 Federal Communications Commission to the applicant. An owner making a new
78 application and paying a new fee to retain an amateur radio license plate may
79 request a replacement plate with the words "AMATEUR RADIO" in place of the
80 words "SHOW-ME STATE". If application is made to retain a plate that is three
81 years old or older, the replacement plate shall be issued upon the payment of
82 required fees.

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

91 7. Notwithstanding any provision of law to the contrary, any person who
92 has retired from any branch of the United States Armed Forces or reserves, the
93 United States Coast Guard or reserve, the United States Merchant Marines or
94 reserve, the National Guard, or any subdivision of any such services shall be
95 exempt from the additional fee required for personalized license plates issued
96 pursuant to section 301.441. As used in this subsection, "retired" means having
97 served twenty or more years in the appropriate branch of service and having
98 received an honorable discharge.

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

✓